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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Consideration of reports submitted by States parties under article 73 of the Convention pursuant to the simplified reporting procedure

Third periodic reports of States parties due in 2015

Ecuador*, **

[Date received: 3 May 2017]

* The present document is being issued without formal editing.
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Section I

A. General information

1. Reply to paragraph 1 of the list of issues

1. Internal administrative procedures have been undertaken with a view to recognizing the competence of the Committee to receive communications in accordance with articles 76 and 77 of the Convention.

2. Reply to paragraph 2 of the list of issues

2. The following measures were taken to ratify International Labour Organization (ILO) Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

(a) The Constitution of the Republic of Ecuador adopted in 2008 recognizes the right to a decent life that ensures, among other things, the rights to work, employment and social security; and the rights to travel freely throughout the national territory, to choose one's place of residence and to freely enter and leave the country. It prohibits the expulsion of groups of aliens and provides that migratory processes must be implemented individually (art. 66 (2) and (14)).

3. The Constitution advocates the principle of universal citizenship, the free movement of all inhabitants of the planet and the progressive extinction of the status of alien or foreign national in order to transform unequal relations between countries, especially those between North and South (art. 416 (6)). The State is committed to observance of human rights, especially the rights of migrant persons, and undertakes to comply with the obligations undertaken with the signing of international human rights instruments (art. 416 (7)).

4. The Constitution establishes safeguards to ensure full respect for the dignity of working persons, a decent life, fair pay and compensation and performance of a job in a healthy environment that is freely chosen and accepted (art. 33). The State is required to provide protection against all types of worker or economic exploitation and against all forms of violence, maltreatment, sexual exploitation or exploitation of any other kind against children and adolescents, without distinction as to their origin or migratory status (art. 45 (2) and (4)).

5. The Constitution sets forth the rights to access to employment, training and professional and career advancement, equitable pay and women's freedom to work independently, without distinction as to country of origin or migratory status. Unpaid work for self-support and caregiving carried out in the home is recognized as productive work (arts. 332 and 333).

(b) The Organic Act on Human Mobility, establishing rights and guarantees for migrant workers (see annex 1) was adopted on 6 February 2017. Foreign nationals who reside in Ecuador have the right to work and to social security (art. 51 of the Act). The Act recognizes the rights of persons who are on the move, including the right to work in Ecuadorian territory. The Act covers those who are in a situation of mobility with regular status as well as those who are refugees, asylum seekers and stateless persons (art. 90).

6. The Organic Act on Human Mobility provides that the entities concerned with labour issues are required to monitor public and private institutions to ensure that they respect the labour rights of foreign nationals in Ecuador (art. 132).

7. The Human Mobility Act provides for a fine to be levied against employers who do not register migrant workers in the social security system or do not pay them at least the minimum wage established by the labour authorities (art. 170 (9) of the Act).

8. With regard to the ratification of ILO Conventions Nos. 143 and 181, Ecuador is able to ratify Convention No. 143 and will take steps to do so in future. It is not feasible to ratify Convention No. 181, given that it provides for the operation of private employment agencies, which do not exist in Ecuador.

3. Reply to paragraph 3 of the list of issues

9. The Ombudsman's Office drew up a preliminary draft of the Organic Act on the Ombudsman's Office, in a process involving ample participation and discussion among its branch offices in several provinces. On 9 December 2013, the bill was submitted to the National Assembly. The proposal outlines the powers and structure of the Ombudsman's Office with the aim of promoting and protecting the fundamental rights recognized in the Constitution and in international treaties.

10. The bill also establishes a clear, efficient and expedited procedure for investigations to be conducted by the Ombudsman's Office; on the subject of rights of users and consumers, it calls for responsible and solidary consumption; it improves procedures for protecting those rights, and it creates the Registry of Providers of Goods and Services, thus requiring implementation of systems for measuring satisfaction, among other matters. It also sets minimum standards for national human rights institutions, guaranteeing independence and autonomy in their management.

11. On 24 September 2014, the National Assembly's Commission on Citizen Participation and Social Oversight submitted its report for discussion at the first debate on the bill proposing the Organic Act on the Ombudsman's Office. The Commission on Citizen Participation and Social Oversight is expected to submit a report for the second debate.

12. In 2015, the Ombudsman's Office issued a report in response to the Global Alliance of National Human Rights Institutions Sub-Committee on Accreditation regarding its recommendations on re-accreditation of the Ombudsman's Office. The report included the following information regarding the observation on pluralism.

13. The person holding the position of Ombudsman is required to hold a degree in law, which is a tertiary degree, not a doctorate at the post-graduate level. Article 216 of the Constitution provides that to be appointed Ombudsman, a person must meet the same requirements as those established for judges of the National Court of Justice and demonstrate wide-ranging experience in defending human rights. Article 183 (2) of the Constitution stipulates that judges of the National Court of Justice must hold a university degree in law that is legally recognized in the country.

14. Furthermore, the Organic Act on Higher Education (2010) makes a distinction between the tertiary level of education (degree) and the quaternary level (post-graduate). Thus, article 118 (b) of the Organic Act on Higher Education stipulates that the tertiary level leads to a licentiate degree and vocational and polytechnic degrees and their equivalents. Article 118 (c) provides that the post-graduate level leads to specialist degrees, a master's degree and a Ph.D. or equivalent degree, i.e., a doctorate.

15. The degree required by the Constitution for the position of Ombudsman is a tertiary degree. In Ecuador, the Ombudsman is appointed by means of a competitive examination.

4. Reply to paragraph 4 of the list of issues

(a) (i)

16. The Migration Act and related code and regulations, the Aliens Act and related code and regulations and the Travel Documents Act and related code and regulations were repealed with the adoption of the Organic Act on Human Mobility, which brings the legislation on the subject in line with the Constitution. Further information is provided in the reply to question 2.

(ii)

17. Pursuant to article 52 (2)(a) of the Convention, Ecuador does not exclude foreign nationals from employment in private security companies (arts. 5, 391, 392 and 393 of the Constitution). The State only restricts the management and operation of specific services by foreign nationals. Employment in security companies is guaranteed by the Organic Act on Human Mobility (arts. 4, 5, 6 and 13).

(b) (i)

18. The following rights of migrant workers are recognized in the Organic Act on Human Mobility: (a) recognition and declaration of vulnerability (art. 21), (b) determination of transit status and exemption from payment of the visa fee (art. 55), (c) migratory status of workers corresponding to that stated in the visa (art. 55), (d) migratory status of workers (art. 50 (1)), (e) monitoring the situation of migrant workers (art. 132).

19. In addition, articles 43 to 52 of the Act refer to freedom of movement, safe migration, the right to apply for migratory status, the right to participate in society and be involved in social organizations, equality of access to the justice system, right of children and adolescents to be integrated into society, right to political participation, right to registration and accreditation of higher education, work and social security and the right to education and health.

(ii)

20. Articles 43 and 44 of the Organic Act on Human Mobility promote respect towards foreign nationals, in particular their right to obtain migratory status based on the principles of equality and non-discrimination and the right to freedom of responsible movement and safe migration.

21. The Act establishes the following regularization mechanisms:

- Migratory categories (art. 54);
- Persons subject to protection for humanitarian reasons (art. 58);
- Temporary residence (arts. 60 to 62);
- Permanent residence (arts. 63 to 65);
- Visas (arts. 66 to 69);
- Naturalization (arts. 70 to 82);
- South American citizenship (arts. 83 to 89);
- Asylum (arts. 95 to 97);
- Refugees (arts. 98 to 109);
- Stateless persons (arts. 110 to 116);
- Mechanisms for regularizing the entry, stay and departure of foreign nationals (arts. 131 to 162).

(iii)

22. Ecuador guarantees due process in administrative procedures for violations of immigration law, bearing in mind the principle of the best interests of children and adolescents. Accordingly, administrative detention of children and adolescents for administrative infringement of immigration law is prohibited; this prohibition also applies to the parents (Organic Act on Human Mobility, arts. 170 and 171).

(iv)

23. The Organic Act on Human Mobility establishes alternative measures to deprivation of liberty. As a priority response to irregular migration, it provides for voluntary departure and precautionary measures, such as reporting regularly to the human mobility authorities, and payment of bond and other measures to guarantee the presence of the person concerned during deportation proceedings (arts. 142 and 145).

(v)

24. As an alternative to deportation, the Organic Act on Human Mobility provides for the voluntary departure within 30 days of foreign nationals who have not regularized their

migratory status within the time established in the Act (art. 142). The Constitution affirms the principle of *non-refoulement* (art. 66 (14)).

(vi)

25. Foreign nationals in Ecuador have the right to free responsible movement and safe migration, to apply for migratory status, to receive information on migration, to participate in social organization, equality of access to the justice system, to accreditation of academic degrees, to work and social security, to political participation, to health. In effect, they are able to migrate, as requirements have been established for entry to and departure from the national territory, along with the relevant migrant registration procedures.

26. The Directorate for Inclusion of the Foreign Community in the Office of the Deputy Minister for Human Mobility set up eight units on inclusion of the foreign community in each of the eight zonal coordinators' offices throughout the country. The inclusion units provide immigrants with information and deal with emergencies, vulnerability issues and procedures requested by consulates or by relatives of foreigners deprived of their liberty, and refer cases to other State institutions.

(vii)

27. Article 47 of the Organic Act on Human Mobility enshrines equality of access to the justice system and guarantees due process for protection of rights. Migration procedures, which are described in articles 138, 144, 145, 146 and 171 of the Act, are in line with article 76 of the Constitution.

28. The Ombudsman is empowered to provide legal aid on social matters for groups requiring priority care. The decision on the matter refers to migrants, including the work-related rights of all persons residing in Ecuador, whether nationals or foreigners.

(viii)

29. Article 66 of the Organic Act on Human Mobility describes the types of visas that may be requested; however, the procedures to be followed must be laid down in the regulations to the Act, which are still being drafted. The right to apply for naturalization is established in article 70 of the Act. The requirements for obtaining visas are described in annex 15 below.

(ix)

30. Chapter V of the Organic Act on Human Mobility, on international protection, recognizes diplomatic asylum, territorial asylum and the right to seek refuge and apply for recognition of statelessness (art. 58). The Act emphasizes the principles of *non-refoulement* and non-discrimination of persons who are in situations of mobility, including those who are subject to international protection. It also specifically recognizes the right of asylum seekers, refugees and stateless persons to work. Chapter III of the Act recognizes the right to social security.

31. On the matter of refugees, chapter V of the Act includes the definitions contained in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, as well as the expanded concept of refugee set forth in the 1984 Cartagena Declaration on Refugees. The Act provides special guarantees during the process of determining refugee status, thus bringing domestic legislation in line with international parameters and standards of international refugee law (art. 98).

32. On the question of statelessness, the Act is in line with the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The legislation on the matter is progressive, offering ways for stateless persons to become naturalized and thus resolve their situation. A person who is recognized as stateless may be naturalized two years after recognition of that status; this represents a significant step forward on the matter (art. 110).

33. The Office of the United Nations High Commissioner for Refugees (UNHCR) has repeatedly commended the Government of Ecuador as a model for the region and the world.

Ecuador's policies are designed to enable refugees to be effectively integrated into society and to combat discrimination. With 60,253 refugees, Ecuador is currently the Latin American country with the largest number of refugees; it has a 59.7 per cent inclusion rate.

(x)

34. Chapter VI of the Organic Act on Human Mobility outlines the rights, obligations, institutional structure and mechanisms in place for dealing with persons in situations of mobility, including emigrants, immigrants, persons in transit, returning Ecuadorian nationals, persons in need of international protection and victims of the offences of human trafficking in persons and migrant smuggling.

35. The Act focuses on helping foreign nationals regularize their situation as the best way to protect and guarantee their rights. It reduces the number of migratory categories; prioritizes the principle of family reunification; establishes visa procedures based on the principles of equality, celerity, territorial deconcentration and quality services provided with kindness, and it simplifies procedures.

36. The Comprehensive Criminal Code (arts. 91, 92 and 94) defines the offence of trafficking in persons in its different forms (removal of organs; sexual exploitation, including forced prostitution, sex tourism and child pornography; exploitation of workers; promise of marriage; debt bondage; illegal adoption; begging; forced recruitment) and establishes the principle of non-penalization of victims.

37. In September 2011, the Ministry of the Interior assumed responsibility for public policies pertaining to the social problem of trafficking in persons. These policies focus on four main aspects: (a) prevention and promotion of rights, (b) investigation and punishment, (c) special protection and comprehensive reparations for victims, and (d) inter-agency coordination at the national and international levels. The Inter-Agency Commission set up in previous years is responsible for implementation, monitoring and evaluation of activities in this area.

38. Social Geographic Mapping software known as INFOTRATA was developed in order to ensure effective follow-up on reports of human trafficking received by the judicial police, the Attorney General's Office and the National Council of the Judiciary. A baseline of data on sexual offences against children and adolescents in tourism centres in 13 provinces was developed.

39. The Ministry of Tourism, which participates in the regional plan of action to combat human trafficking, developed the project on prevention of sexual exploitation of children and adolescents in travel and tourism. In coordination with the Attorney General's Office, it developed a baseline of sexual offences against children and adolescents in tourism centres in 13 provinces (2011).

40. In 2012, in coordination with the cantonal councils, national workshops were held on the role of institutions in charge of regulating and overseeing the tourism sector. The purpose was to develop roadmaps or protocols for restoring the rights of child and adolescent victims of sexual exploitation in the tourism sector. The Ministry of Tourism participates in the National Prevention Plan that is headed up by the Ministry of the Interior. In that regard, the regulations on lodging (*Registro Oficial* No. 465, of 2015) empower the National Tourism Authority to conduct inspections at any time without prior notice.

41. Training was also provided to operators of the 1-800-DELITO telephone system; to institutions responsible for legislation, regulation and oversight; to the judicial police, and to officers of the Special Police for Children and Adolescents. With the cooperation of the International Organization for Migration (IOM), the first National Encounter on Human Trafficking and Migrant Smuggling was held, with the theme "Gender, access to the justice system, human rights and public policies". The campaign entitled "Abramos los ojos" (Let's open our eyes) was carried out between 2012 and 2014, and courses and workshops on prevention of human trafficking and migrant smuggling were organized for students, immigration officials at the borders and specialized police.

42. A system was set up to keep case records, and a consular protocol for victim assistance was developed.

43. The following agreements were signed: the Ecuador-Peru Binational Protocol for Victim Assistance; the Memorandum of Understanding with Colombia on prevention and investigation of the crime of human trafficking and assistance and protection of victims (2012). In coordination with local governments, seven cantonal agendas on prevention and punishment of the crime of trafficking were drawn up. In 2013, the National Unified Protocol for protection and comprehensive assistance to victims of trafficking and the Manual for investigation and prosecution of the crime of trafficking were drafted, also with the help of IOM.

44. The Ministry of Economic and Social Inclusion has entered into agreements on technical and financial cooperation with civil society institutions to provide specialized shelters and services to victims of trafficking, including lodging, food, psychological care and emotional support.

45. Since 2013, the Attorney General's Office has assigned priority to improving criminal procedures for sexual and trafficking offences affecting children and adolescents. To that end, it has carried out the following actions.

46. Regulations on new units to manage lawsuits, including two units to prosecute trafficking cases: the Office of the Prosecutor for Sexual and Domestic Violence and the Office of the Special Prosecutor for Organized Crime.

47. One hundred eighty-five offices have been set up to receive complaints. When the alleged victims are children, the special expert units made up of doctors, social workers and medical examiners are deployed.

48. Training was provided for 232 members of teams from the prosecution units specializing in transnational and international organized crime.

49. Protocols were developed for the health system, experts in the prosecutors' offices and medical examiners accredited by the Council of the Judiciary.

50. The national Victim and Witness Protection System was created to protect victims in the protection system, which operates within the public services that provide shelter and special protection.

51. Additional information is provided in the reply to question 31.

(c)

52. Additional information is provided in the reply to question 2.

5. Reply to paragraph 5 of the list of issues

53. Annex 2, entitled "Cuadro de Capacitaciones", provides information on this question. Information on the inter-agency governmental committee may be found in the reply to question 8.

6. Reply to paragraph 6 of the list of issues

54. When drafting the Organic Act on Human Mobility, the National Assembly received recommendations and suggestions from social organizations, national and international institutions and non-governmental organizations, including UNHCR in Ecuador, Asociación de Emigrantes Retornados de Esmeraldas, the Human Mobility Unit of the Decentralized Autonomous Government of Pichincha, the Ombudsman, Federación Nacional de Migrantes Retornados del Ecuador, Terre des hommes, 1800Migrante.com, Cooperativa de Producción, Personas en Movilidad Humana and the foreign community in Ecuador. These organizations made statements on subjects covered by the Act, such as universal citizenship, the status of refugees, administrative procedures for migrants, legal aid for Ecuadorian nationals living abroad, persons deprived of their liberty. Most of their suggestions were accepted.

55. In 2016, the Office of the Deputy Minister for Human Mobility, with support from IOM, carried out the National Campaign to Prevent Xenophobia and Discrimination in 26 secondary education institutions in 13 provinces, in order to raise awareness among 8,916

students at the *bachillerato* level (final year). Additional information is provided in the reply to question 13 (b).

7. Reply to paragraph 7 of the list of issues

56. The Ministry of Foreign Affairs and Human Mobility, acting through the Office of the Deputy Minister for Human Mobility, sought assistance from IOM for a project funded by the Swiss Agency for Development and Cooperation (SDC) and the United Nations Development Programme (UNDP). The project, which will carry out activities related to human mobility, includes five fields of action to be implemented during 2017.

(1) Development of a migration information system;

(2) Development of inter-agency coordination systems for inclusion and enjoyment of the rights of persons in situations of human mobility;

(3) Design of components for training on public policies for human mobility;

(4) Mechanisms for coordination and optimization of international cooperation in the area of human mobility;

(5) Development of the program on exchange of information on migration at the intra- and inter-agency levels, including training and upgrading of human capital in the Ministry of Foreign Affairs and Human Mobility.

57. The State has signed the following instruments:

Agreement between Ecuador and Venezuela

58. This agreement, signed on 6 July 2010, allows entry into the States parties for up to 180 days for purposes of tourism. Venezuelan nationals who wish to stay for longer periods may obtain 12 XI non-immigrant visas for one year, renewable for the same period. Venezuelan citizens who wish to stay in Ecuador indefinitely may obtain a 9 VII immigrant visa, provided they meet the requirements for both migratory categories.

Agreement between Ecuador and Peru

59. This agreement, signed on 25 October 2008, allows entry into the States parties for up to 180 days within a 12-month period, for the purpose of carrying out lawful activities without being employed or doing temporary work. Peruvian citizens wishing to work in Ecuador for more than six months may obtain a 12 VI work visa, provided they meet the established requirements. Owing to the change in legislation in Ecuador, negotiations are underway on an addendum to the Agreement or drafting of a new agreement.

Agreement between Ecuador and Colombia

60. This agreement, signed on 24 August 2000, allows entry to the States parties for up to 180 days within one year to for the purpose of carrying out lawful activities such as travelling sales, sports, culture, medical treatment, study and science. Colombian citizens who wish to carry out the aforementioned activities for a period of more than 180 days in the same calendar year must request the appropriate visa, for which they must meet the established requirements.

61. Colombian citizens who wish to live indefinitely in Ecuador under the aforementioned Agreement may obtain a 9 II, 9 III or 9 VI immigrant visa, provided they meet the established requirements.

Mercosur Visas

62. Ecuador has adhered to the Mercosur agreement of 29 June 2011 which enables nationals of member States and associated States to enter Ecuador without a visa for purposes of tourism for 90 days. Persons wishing to stay for a longer period may obtain a temporary 12 XI visa for two years, regardless of their migratory status; however, they must meet other requirements. Persons wishing to obtain a permanent residence visa must meet the

established requirements, submitting their application 90 days before expiration of the temporary visa.

63. Ecuador began granting temporary visas under the category Mercosur 12 IX on 7 April 2014.

- Non-immigrant visas under the Agreement between Ecuador and Venezuela;
- Non-immigrant work visas;
- Non-immigrant Mercosur visas.

64. Manual and digital records are kept of marital status, reason for entry and departure and work performed. The information has not yet been decoded for statistical purposes; however, once the system for exchange of migration information is implemented, the information should be accessible. Further details are provided in annex 3 to this report, on visas granted, by gender and age, and in annex 4, on persons deported.

8. Reply to paragraph 8 of the list of issues

65. Competence for human mobility was transferred to the Ministry of Foreign Affairs and Human Mobility by Executive Decree No. 20, of 10 June 2013. Under its organizational plan (Estatuto de Gestión Organizacional por Procesos), the Ministry is responsible for guiding foreign policy and policy on human mobility, arranging for and coordinating the strategic and sovereign insertion of Ecuador in the international community, regional integration and consular and migration services aimed at guaranteeing the rights of persons in situations of mobility.

66. Within the Ministry of Foreign Affairs and Human Mobility, the Office of the Deputy Minister for Human Mobility is responsible for technical management of human mobility. Its mission is to plan, direct and evaluate policy implementation so as to defend, protect and promote rights, as well as to restore and strengthen the capacities, inclusion and interculturality of migrants and their families in other countries.

67. The Ministry of Foreign Affairs and Human Mobility participates in the Inter-agency Board on Human Trafficking, particularly on matters relating to prevention and protection. Pursuant to article 3 of the Executive Decree No. 20, the Office of the Deputy Minister for Human Mobility works in coordination with the National Equality Councils to guarantee mainstreaming of public policies on human mobility, as required by the Constitution.

68. In articles 156 and 157, the Constitution provides for the creation of national equality councils to ensure full enforcement and enjoyment of the rights enshrined in the Constitution and international human rights instruments. Accordingly, the National Council on Equality in Human Mobility was created; its organizational structure is being developed. Pursuant to article 156 of the Constitution, it will coordinate its work with the agencies responsible for leading and executing public policy at all levels of government.

69. The National Equality Councils are responsible for formulation, mainstreaming, monitoring and evaluation and observance, while the National Council on Equality in Human Mobility is in charge of planning, coordination, management, monitoring and evaluation of public policies on human mobility that are implemented at the different levels of decentralized autonomous governments. It works to ensure implementation of mechanisms for protecting and ensuring enjoyment of the rights of persons in situations of mobility.

70. The Organic Code of Land Management, Autonomy and Decentralization (2010) provides, in article 54 (j), that the autonomous decentralized governments shall promote and implement comprehensive protection systems to ensure the enjoyment and enforceability of the rights enshrined in the Constitution and international treaties. This entails setting up cantonal councils, cantonal boards and networks charged with protecting the rights of priority groups.

71. In article 598, the aforementioned Code stipulates that each autonomous decentralized government shall organize and finance a cantonal council, a cantonal board and a network for the protection of rights. The cantonal boards on protection of rights shall be comprised of equal numbers of representatives of civil society, especially holders of rights; of the public

sector, including delegates of deconcentrated agencies of the national Government with direct responsibility for guaranteeing, protecting and defending the rights of priority persons and groups; delegates of metropolitan municipal governments, and delegates of rural parochial governments.

9. Reply to paragraph 9 of the list of issues

72. The Ministry of Foreign Affairs and Human Mobility set up the Directorate for the Integration of Returning Migrants, with eight branches in the eight zonal coordinating offices throughout the country. The Directorate sets up offices to provide assistance and advice to returning workers and their families, designs plans, programmes and projects to facilitate the social and economic integration of returning migrants, and establishes mechanisms for coordinating its work with other public and private institutions helping migrants regain their political, cultural and economic capacities.

73. The following programmes provide support for returning migrants:

- Assisted return programme: Airline tickets are issued for Ecuadorians in difficult situations abroad who wish to return to Ecuador; hundreds of them have been able to purchase return tickets. The relevant information is kept in the manual archives of the Office of the Deputy Minister for Human Mobility.
- Business plans: 10 inter-agency agreements were signed with local development entities, such as universities or autonomous decentralized governments; 1,575 returning migrants received advice on business plans for their production undertakings, thus enabling them to get better organized and opening the way for them to obtain loans.
- Household effects: Around 12,238 shipments classified as household effects were imported to Ecuador, representing a total value of US$216.61 million CIF.
- Job insertion: 1,511 foreign and returning Ecuadorian medical specialists and subspecialists were assigned to fill vacancies in health care centres. Jobs were found for 1,615 returning Ecuadorians through the jobs network known as Red Socio Empleo.
- Loans for returning migrants: 241 loans totalling US$2,667,150 were granted through the Corporación Nacional de Finanzas Populares y Solidarias.
- Enrolment of migrants living abroad: 8,741 Ecuadorian migrants living abroad were enrolled in the Ecuadorian Social Security Institute.
- Housing for returning migrants: 118 returning migrants were able to find decent dwellings through the *Bono de Vivienda* (housing bonds) programme of the Ministry of Urban Development and Housing.

10. Reply to paragraph 10 of the list of issues

74. The National Assembly has participated in several workshops organized by the Ministry of Foreign Affairs at which information has been provided on United Nations requirements concerning protection of the rights of migrant workers and their families. The Organic Act on Human Mobility was enacted as a result of this joint effort to protect and strengthen the human rights of migrants, refugees, asylum seekers, stateless persons and victims of human trafficking. Additional information may be found in the replies to questions 2 and 4.

11. Reply to paragraph 11 of the list of issues

75. The Ministry of Foreign Affairs and Human Mobility has disseminated the observations on the Convention to the relevant State entities. Additional information is provided in the reply to question 10.

B. Information relating to the articles of the Convention

1. General principles

12. Reply to paragraph 12 of the list of issues

(a)

76. Pursuant to article 424 of the Constitution, international human rights treaties are part of the domestic legislation applied in Ecuador. Accordingly, the rules laid down in the Convention have been fully in force since 5 February 2002 and are directly applicable through the judiciary. Anyone may invoke the Convention in court proceedings.

77. The training received by justice officials through the School of the Judiciary established by the Council of the Judiciary in 2013 focuses on application of the rules set forth in the Constitution and international human rights law.

78. The Ministry of Labour is responsible for implementing labour policies, promoting linkages between the supply of and demand for labour, protecting the fundamental rights of workers, and acting as the lead agency for institutional development, human talent management and public sector remuneration, ensuring inclusiveness, in accordance with the Constitution. The Ministry's offices throughout the country handle complaints lodged by migrant or Ecuadorian workers.

79. By plenary decision No. 154-2014, the Council of the Judiciary issued the protocol for management of the judiciary, the work and opinion of experts in cases of violence against women or members of their immediate family, with the focus being on care of victims, bearing in mind their human rights and gender and the principles of equity and non-discrimination. This approach must be followed in all actions and assistance, to ensure that the victim is treated with equity. In the context of international law, the protocol refers to article 18 of the Convention, specifying that migrant workers and members of their families shall have the right to equality with nationals of the State concerned before the courts and tribunals. The protocol refers to the guarantee of due process, including the need for the courts to guarantee independence and impartiality.

80. With regard to the stages to be followed in receiving complaints and providing assistance, the protocol provides that complaints may not be denied for any reason whatsoever, stipulating that no restriction may be placed on attention to and receipt of complaints on grounds such as failure to present evidence of migratory status.

81. The Public Defender Service has a protocol for eliminating barriers that would impede access to the justice system for migrants and refugees, entitled *Guía para las y los defensores públicos* (Guidelines for public defenders).

(b)

82. Ecuador does not require migrants to justify their status in order to have access to the justice system. The Automated System of Judicial Procedures, which is the electronic repository of all proceedings in the country, does not contain any information on migratory status.

83. The Directorate for Civil Service Evaluation and Oversight in the Ministry of Labour and the regional civil service directorates handle complaints brought by foreign nationals who work in the public and the private sectors. Reports of complaints received in the last five years, by sex and outcome, are shown in annex 5 to this report, *Denuncias*, and annex 16, *Asistencia*.

(c)

84. Legal assistance is provided.

(d)

85. Additional information is provided in the reply to question 31.

(e)

86. Additional information is provided in the reply to question 4.

2. Part II of the Convention

13. Reply to paragraph 13 of the list of issues

(a)

87. As stipulated in article 3 of the Constitution, on the primary duties of the State, and in title II, chapter 1, article 11 (2) and (3), the Office of the Under-Secretary for Comprehensive Child Development in the Ministry of Economic and Social Inclusion provides its services without discrimination of any kind to anyone who needs them.

88. Ministerial Decision No. 337 of the Ministry of Education, issued on 26 September 2008, lays down rules for gaining access to and remaining in the educational system for Ecuadorian and foreign children and adolescents who need priority attention owing to their migratory status.

(b)

89. The Office of the Deputy Minister for Human Mobility organized the Campaign to Prevent and Raise Awareness about Xenophobia and Discrimination which was carried out in public schools throughout the country among students in the second and third years of the *bachillerato* programme at the secondary level.

90. The objective of the campaign was to raise awareness and prevent xenophobia and discrimination in educational institutions and to identify potential leaders who might continue with the campaign in future, especially in 2017.

91. The outcome of the campaign was as follows:

- 13 provinces were covered, with nationwide geographic impact;
- awareness was raised in the 26 educational institutions covered by the campaign;
- 8,916 students were reached, as follows:
    - 3,655 were trained;
    - 5,261 were sensitized;
    - 146 student leaders were identified would could set up a national team of young people to combat xenophobia and discrimination and replicate what they had learned.

Indicators of achievement outcomes expected in 2017

- 10,000 students have been sensitized at the national level;
- 300 students are members of the replication group (leaders trained and sensitized);
- 30 educational institutions have been sensitized at the national level;
- 60 per cent of the national territory has been covered.

92. Since 2014, the Social Management Unit of the Consortium of Autonomous Provincial Governments of Ecuador has been working with the autonomous provincial governments on issues of interculturality, gender, disabilities, intergenerational relations and human mobility, in response to requests from and experiences of the provincial governments.

93. In 2015, three national equality councils (gender, intergenerational, peoples and nationalities) signed cooperation agreements. The main goal of the agreements is to promote

mainstreaming of the constitutional principle of equality and non-discrimination in the management of the autonomous decentralized provinces and in the Consortium of Autonomous Provincial Governments.

94. Working meetings were held with the Joint Migration and Development Initiative (JMDI) of UNDP with a view to setting up joint actions to help the provincial governments design appropriate management models, bearing in mind the characteristics of each individual province in terms of care and protection programmes and services for persons in situations of mobility.

Specific objectives

- To share the experience gained with the management model of the Human Mobility Management Unit of the decentralized autonomous provincial government of Pichincha with other decentralized autonomous provincial governments;
- To identify content on human mobility in public policies and land management documents of the decentralized autonomous provincial governments, where such information is not available;
- To identify the capacities and tools available to the decentralized autonomous provincial governments in order to respond to the needs of persons in situations of mobility in territories (develop information where it is not available);
- To provide technical advice on formulation of public policies on human mobility in the decentralized autonomous provincial governments in the light of their specific shared competencies and the relevant domestic legislation.

Activities

95. Establishment of a working group of the Consortium of Autonomous Provincial Governments and the Joint Migration Development Initiative. Dissemination of good practices in the area of human mobility among provincial governments. Workshop on how to understand and guide the actions, capacities and tools of decentralized autonomous provincial governments in dealing with issues of human mobility. Collection of information on capacities, expectations and know-how regarding human mobility for decentralized autonomous governments.

Advisory services

96. Provide technical advice on public policies in the area of human mobility and propose a methodology for developing human mobility management models in the decentralized autonomous governments of Esmeraldas, Carchi, Sucumbíos, El Oro, Loja and Zamora Chinchipe.

97. Transfer tools developed by JMDI in provinces on the northern and southern borders. Two workshops at the northern and southern borders.

(c)

98. The Organic Act on Communication establishes, in articles 9 and 10, the following standards that must be met by the media and everyone involved in communications when disseminating information or opinions, in order to protect personal honour and human dignity:

- Respect the honour and reputation of all people;
- Refrain from creating and disseminating discriminatory content and commentary; and
- Respect individual and family privacy.

99. The Organic Act on Communication defines discriminatory content as any message disseminated through a means of communication that implies distinction, exclusion or restriction based on ethnicity, place of birth, age, sex, gender identity, cultural identity, marital status, language, religion, ideology, political affiliation, police record, socioeconomic status or migratory status (art. 61).

190. The Organic Act on Communication prohibits and restricts the dissemination of discriminatory content through any means of communication (arts. 62 and 63).

191. Further information on activities in this area may be found in annex 6, *Medios de comunicación*.

192. The Ministry of Labour has drawn up a communications plan which envisages the creation of jobs for priority and vulnerable groups. The plan provides for the publication on social networks and the development of materials and other products to disseminate the policies developed by the working group.

3. Part III of the Convention

14. Reply to paragraph 14 of the list of issues

193. In article 35, the Constitution refers to several population groups that have been identified as requiring priority attention from the State, including groups that are in a situation of mobility. Article 40 of the Constitution provides that the State shall offer assistance to persons in a situation of mobility and to their families, regardless of whether they reside abroad or in the country, and that it shall also provide advice and comprehensive protection to enable them to freely exercise their rights. In the case of persons deprived of their liberty in another country, the State shall take steps to safeguard their rights.

194. Article 213 of the Comprehensive Criminal Code defines migrant smuggling as an offence against migration which involves any behaviour carried out by a person whose intention is to obtain, directly or indirectly, an economic or other type of material benefit, by any means, who promotes, obtains, receives, accepts, facilitates, induces, finances, collaborates, participates or assists in the smuggling of persons, either Ecuadorians or foreign nationals, from the territory of the Ecuadorian State to other countries or vice versa or who facilitates their stay under irregular circumstances in the country, provided this does not involve a more serious offence, shall be liable to imprisonment for 7 to 10 years. In the event that the trafficking of migrants affects children or adolescents or persons in a situation of vulnerability, the deprivation of liberty shall be for 10 to 13 years.

195. When the offence causes the death of the victim, the perpetrator shall be liable to a prison term of 22 to 26 years. The owners of vehicles for air, maritime or land transport and crew members or persons in charge of operating and driving such vehicles shall also be liable to imprisonment for 7 to 10 years, if their knowledge of and participation in the offence is established.

196. The Organic Act on Human Mobility stipulates that the State shall promote actions aimed at guaranteeing that the human rights of Ecuadorian nationals living abroad are effectively recognized and respected, independently of their migratory status. In the case of the United States, specific agreements have been signed with certain institutions, in particular the Memorandum of Understanding regarding worker protections against employment discrimination based on citizenship, immigration status, or national origin between the United States Department of Justice Civil Rights Division and the Ministry of Foreign Affairs and Human Mobility of Ecuador, which was signed in Washington D.C. on 4 December 2015 (code SITRAC USA387). The Memorandum of Understanding was published, at the request of the Ministry of Foreign Affairs and Human Mobility, in the *Registro Oficial* No. 683, of 3 February 2016. On 26 August 2016, two letters of arrangement between the United States Department of Labor and the Ministry of Foreign Affairs and Human Mobility of Ecuador concerning wage and hour laws and occupational safety were renewed, and a joint statement on worker rights was issued.

197. The Inter-agency Commission for implementation of the National Plan to combat human trafficking and migrant smuggling, comprised of 16 State agencies and headed by the Ministry of the Interior, has three working groups — on prevention, protection and investigation-punishment — charged with implementing the Plan. Additional information is provided in the replies to questions 4 (b) (v) and 31.

108. In 2016, the eight zonal coordination units of the Office of the Deputy Minister for Human Mobility conducted a campaign on prevention of risky migration. Additional information is provided in the reply to question 5.

109. The Office of the Deputy Minister for Human Mobility set up the Directorate for Assistance to and Protection of Ecuadorians Living Abroad. The Directorate has eight zonal coordination units throughout the country. It is responsible for providing support to Ecuadorians living abroad in coordination with Ecuadorian embassies and consulates around the world. To this end, it has developed special protocols for providing assistance to persons in situations of vulnerability, trafficking and smuggling, persons deprived of liberty, catastrophic illness, human rights violations, disability, extreme poverty and deportees. It also created an automated system for keeping detailed information on situations of vulnerability. See annex 7, *Cuadro atención vulnerables PPL*.

110. The main support programmes are:

- Repatriation of bodies or human remains;
- Assisted return (purchase of airline tickets for Ecuadorian citizens abroad who are in a situation of vulnerability in terms of finance, health, unaccompanied minors, human trafficking and migrant smuggling);
- Assistance to persons who are in a situation of vulnerability (in terms of finance, health, unaccompanied minors, human trafficking and migrant smuggling);
- Legal assistance for Ecuadorians who have problems with mortgages in Spain;
- Legal assistance for Ecuadorian minors in adoption centres in Italy;
- Assistance to persons deprived of their liberty;
- Assistance to victims of human trafficking;
- Assistance to victims of migrant smuggling;
- Consular follow-up for minors who have departed the country on their own or in the company of third parties.

111. To safeguard the well-being of children and adolescents travelling on their own or in the company of third parties for periods of more than six months, as reported by notarial services that process exit permits for minors, the Office of the Deputy Minister for Human Mobility notifies Ecuadorian consulates around the world of the name, address and telephone number abroad of minors who have travelled on their own or in the company of third parties for more than six months. The consulate in question then proceeds to determine whether the minor's situation is satisfactory and reports any issues to the Office of the Deputy Minister for Human Mobility.

Notarial reports on unaccompanied minors (2015 to March 2017)

	Year		
	2015	*2016*	*2017 March*
Number of minors who have travelled on their own or in the company of third parties for more than six months to the United States. Ecuadorian consulates have contacted the minors to determine their situation.	184	285	23
Total: 492			

112. The Office of the Deputy Minister for Human Mobility, working in conjunction with the consulates in Italy and with multidisciplinary teams, has followed up on 168 cases of Ecuadorian children who were separated from their parents or who are in the care of Italian social services in Genoa, Milan and Rome. The Ecuadorian State has provided legal assistance to these families.

15. Reply to paragraph 15 of the list of issues

113. The National Council for Intergenerational Equality is a public agency with legal standing within the executive branch which has administrative, technical, operational and financial autonomy; it is responsible for ensuring the full observance and enjoyment of the rights enshrined in the Constitution and international human rights instruments. It is empowered to formulate, mainstream, enforce, monitor and evaluate public policies pertaining to intergenerational relations. It coordinates its work with policymaking and executing agencies and agencies specializing in the protection of rights at all levels of government (arts. 3 and 9 of the Organic Act on National Equality Councils).

114. The National Council for Intergenerational Equality did not replace the National Decentralized System of Comprehensive Protection of Children and Adolescents; rather, it is part of that system, as well as of the national system of inclusion and social equity referred to in the Constitution.

115. The National Council for Intergenerational Equality focuses on equality and non-discrimination among generations in public policies and institutional and social practices, in order to ensure the full application and enjoyment of the rights of generational groups, with priority being given to children and adolescents, young people and older adults. This approach is reflected in the management model for the National Council for Intergenerational Equality adopted in June 2016.

116. To guarantee its ability to exercise its constitutional and legal powers, the Council carries out three general tasks:

(1) Management of policy design, information and studies;

(2) Management of mainstreaming and participation;

(3) Management of observance, follow-up and evaluation.

117. The Council has 84 staff members. The Technical Directorate, which is the value-adding unit of the Council, has a staff of 15 Ecuadorian technical experts who work with the management units in charge of implementing the Council's mission and objectives within the central Government. It also has 25 technical experts in the field who advise specialized human rights agencies on generational and intergenerational equality and non-discrimination. Those agencies, which operate in 21 provinces except Cañar, Galápagos and Sucumbíos, are the cantonal rights protection councils, the cantonal rights protection boards and the advisory councils on children and adolescents, young people and older adults.

118. The 2016 budget, totalling US$1,865,643.35, was executed at 100 per cent, as shown in the attached document, *Tabla Distribución y Ejecución Presupuestaria 2016*.

(a)

119. As provided in the Organic Act on National Equality Councils (art. 9 (7)), the National Council for Intergenerational Equality is responsible for developing mechanisms for coordinating its work with agencies in charge of leading and executing public policy and with specialized agencies responsible for guaranteeing and protecting rights at all levels of government.

120. The National Council for Intergenerational Equality coordinates its efforts with the cantonal rights protection councils and the cantonal rights protection boards throughout the country by providing technical advice on the issue of sexual exploitation of children and adolescents. This work is carried out with the support of its experts in 21 provinces, who have expertise and experience on the matter of comprehensive protection of children and adolescents and who are directly involved in the work in 204 cantons.

121. Technical assistance has been provided so as to ensure that the cantonal rights protection councils have inputs for their work in developing public policy on issues relating to comprehensive protection for children and adolescents and to ensure that when ordering protective measures, the cantonal rights protection boards bear in mind the context of sexual exploitation in shelters for children and adolescents so as to protect and restore their rights.

122. The National Council for Intergenerational Equality is a member of the Inter-agency Commission on the National Plan to combat human trafficking and migrant smuggling and the Board on Prevention that coordinates inputs, tools and information for raising awareness in combating the commercial sexual exploitation of children and adolescents. The relevant information is disseminated through social networks, as well as by field technicians who attend different inter-agency events.

123. The National Council for Intergenerational Equality is charged with setting up and convening advisory councils for the generational groups concerned (Organic Act on National Equality Councils, art. 9 (2)). It has developed informational and sensitization materials on commercial sexual exploitation of children and adolescents for members of the advisory councils on children and adolescents. The following advisory councils have been set up.

Advisory councils set up as of 2016

Groups	*Number*
Young people	106
Children and adolescents	191
Older adults	89
Total	**386**

124. Advocacy is carried out through social media (especially Twitter). Taking advantage of the opportunity for interaction with the public, the National Council on Intergenerational Equality continually shares information on prevention of sexual exploitation of children and adolescents (see Facebook @cniiecuador and Twitter @CN_Igualdad).

125. To raise public awareness about security issues, the Ministry of the Interior organizes and participates in citizens' fairs throughout the country. In 2016, it organized and participated in eight awareness-raising fairs, at which more than 7,600 people received information about trafficking in persons and smuggling of migrants. Additional information is provided in the reply to question 5.

(b)

126. The Project on the Elimination of Child Labour is a key initiative that was implemented from 2007 to 2017 by the Ministry of Labour. The project, which has had nationwide impact, focuses on priority population groups referred to in article 35 of the Constitution.

Objective of the Project on Elimination of Child Labour

127. To reduce and prevent hazardous child labour through a coordinated set of policies, programmes and actions aimed at addressing its causes and effects from the standpoint of shared social responsibility and restoration of the rights of children and adolescents. The programme includes a coordinated set of policies, programmes and actions aimed at addressing causes and effects from the standpoint of shared social responsibility and restoration of the rights of children and adolescents. It entails implementing strategies for restoring the rights of all children and adolescents who are in a situation of vulnerability.

Specific objectives

(a) To design and propose sectional strategies for protecting the rights of children and adolescents who are vulnerable to being used for child labour;

(b) To strengthen the technical and operational capacities of networks and partnerships that promote public-private cooperation in combating child labour;

(c) To design and implement a single registry system for identification and referral of cases involving children and adolescents in a situation of child labour;

(d) To strengthen the legal framework and mechanisms for implementing the legislation on child labour.

128. The project currently has direct impact in 20 provinces, namely Carchi, Imbabura, Pichincha, Cotopaxi, Tungurahua, Chimborazo, Bolívar, Cañar, Azuay, Loja, Esmeraldas, Santo Domingo de los Tsáchilas, Manabí, Guayas, Santa Elena, El Oro, Los Ríos, Sucumbíos, Pastaza and Zamora Chinchipe. It has an indirect impact in 130 cantons.

Strategies

(1) Intersectoral coordination with institutions such as the Ministry of Economic and Social Inclusion;

(2) Technical assistance to decentralized autonomous governments: to enable municipalities to implement the public policy for the Project on Elimination of Child Labour throughout the country, so as to construct management models and generate activities and projects on elimination of child labour throughout the country and to participate in meetings of the working groups of the Inter-agency Committee for the Elimination of Child Labour in conjunction with social actors such as non-governmental organizations, public institutions and others;

(3) Awareness-raising: activities targeting the general public, employers, workers, teachers, civil servants, community advocates and parish boards, in order to raise awareness directly through;

- Workshops for strategic actors such as children and adolescents, families and the community at large;
- Theatre caravans in 60 cantons in 19 provinces;

(4) Monitoring: activities carried out on a monthly basis to detect the presence of children and adolescents involved in child labour, so as to be able to plan workplace inspections;

(5) Support for workplace inspections: accompanying labour inspectors on their visits; if children and adolescents are found to be working the specialist for the Project on Elimination of Child Labour prepares a report; in such situations, the employer is punished and, when adolescents are involved, their work situation is regularized or changed;

(6) Public-private partnerships: such as the Red de Empresas por Un Ecuador Libre de Trabajo Infantil (Network of Businesses for An Ecuador Free of Child Labour);

(7) International partnerships: support is provided by agencies such as ILO, the United Nations Children's Fund (UNICEF), the United States Department of Labor, and international agreements with the ministries of labour of Argentina, Brazil, Colombia, Costa Rica, and Peru.

129. Between 2008 and 2012, the Ministry of Labour and the Ministry of Economic and Social Inclusion carried out a national programme for the elimination of child labour in garbage dumps. As a result, that practice was eliminated and the rights of children and adolescents and their families were restored. In April 2016, the Office of the Under-Secretary for Special Protection of the Ministry of Economic and Social Inclusion adopted technical guidelines for its work in eradicating child labour and transmitted them to the zonal coordinating offices and district directorates.

130. In 2015, the Ministry of Economic and Social Inclusion implemented projects on comprehensive assistance during the life cycle and elimination of child labour in the following branches of economic activity: construction, commerce, manufacturing, agriculture and fishing. In 2016, the Ministry of Economic and Social Inclusion implemented its project on elimination of child labour with a view to identifying children and adolescents in situations of hazardous child labour on the street, cleaning and shining shoes, construction, mining, fishing, agriculture, forestry, markets and domestic work. The aim is to eliminate work by children and adolescents between the ages of 5 and 15 and to change the type of work performed by adolescents between the ages of 15 and 17 so as to prevent them from performing hazardous work. Intersectoral efforts will be coordinated so as to prevent labour by and restore the rights of children and adolescents to education, health and recreation in a healthy environment. In 2014, the Ministry of Labour Relations drafted its *Manual de Gestión para la prevención y erradicación del trabajo infantil en espacios de competencia municipal* (Management Manual for the prevention and elimination of child labour in areas under the competence of municipalities).

(c)

131. In November 2012, the National Institute of Statistics and Census conducted its first survey on child labour, which enables it to determine the characteristics of children and adolescents between the ages of 5 and 17 who work in Ecuador. The National Survey of Employment, Unemployment and Underemployment, which is carried out every year by the National Institute of Statistics and Census, includes indicators for monitoring trends in child labour in Ecuador.

132. The National Council on Intergenerational Equality observes and monitors problems that threaten or violate the rights of children and adolescents, young people and older adults. This includes children and adolescents affected by migration who are recognized by the Decentralized National System of Comprehensive Protection of Children and Adolescents.

133. The National Council on Intergenerational Equality provides legal assistance to users who contact them to report threats to or violation of rights, either personally, by telephone or by email. In 2015, no migration-related reports were received. In 2016, assistance was provided to 220 groups given priority by the Council in regard to several rights-related issues, at an average rate of 20 cases per month.

134. The following departments of the judiciary follow up on such cases: prosecutors in the Victim and Witness Protection System; courts specializing in matters affecting families, women, children and adolescents and criminal courts. At the level of administrative departments: cantonal rights protection boards, the Ombudsman's Office, sectoral ministries and others coordinate their work to fulfil the purposes of the institutions involved and guarantee the enjoyment of the rights recognized in the Constitution.

135. In the case of children and adolescents who are victims of migrant smuggling, since 2014, the outpatient care team of psychologists and social workers assigned to the Special Protection Service of the Ministry of Economic and Social Inclusion have been providing family counselling, raising awareness of the risks of irregular migration, coordinating social services and monitoring individual cases for at least three months, in order to prevent repeated attempts at irregular migration. If the Special Protection Service detects the prolonged absence of a child or adolescent, it sends written notification to the National Directorate of Special Police for Children and Adolescents for them to conduct an investigation, as appropriate. In 2017, the Special Protection Service was transferred from the Ministry of Economic and Social Inclusion to the Ministry of Justice, Human Rights and Worship, in compliance with Executive Decree No. 1288, of 3 January 2017, published in *Registro Oficial* No. 941 of 9 February 2017.

136. Ecuador took steps to set up a system for collecting data on child labour. The Single System of Child Labour Records was set up as a technological platform for recording cases of child labour, conducting follow up, generating reports and warnings and monitoring cases.

16. Reply to paragraph 16 of the list of issues

137. Article 2 of the Organic Act on Human Mobility provides that in order to protect the best interests of the child or adolescent in all processes and procedures related to human mobility, the relevant rules of law, including the principle of special treatment of children and adolescents and the right to have a family, to live with one's family and to be consulted on all matters affecting them, shall be borne in mind. In no case may children and adolescents be detained on account of administrative deficiencies in migration cases, when it is in the best interests of the child or adolescent to maintain family unity.

138. The Project on Elimination of Child Labour is represented on the Inter-agency Committee to combat human trafficking and migrant smuggling. The staff are trained to work actively in raising awareness to prevent crimes against children and adolescents. They have also raised awareness among 116 adolescents and young people enrolled in the certification course on elimination of child labour.

139. On 14 October 2016, an analysis of the Organic Act on Human Mobility was conducted in conjunction with the Cantonal Rights Protection Council of the city of Cuenca. The Ecuador-Peru Binational Working Group on Migration Issues has held two binational meetings on the issue of human trafficking with a view to increasing controls at the border.

140. The first Colombia-Ecuador Binational Workshop on identification and control of the crime of human trafficking for exploitation of workers. The discussion focused on regulations, policies, experiences and projects applicable in the two countries.

141. The current legislation on protection of children and adolescents, elimination of child labour, protective measures and penalties for child labour, trafficking for worker exploitation and child labour are shown in annex 8, *Cuadro Marco Legal Protección NNA*.

142. Pursuant to article 9 of the Constitution and related legislation, foreign nationals in Ecuador have the same rights and duties as Ecuadorians. Ministerial Decision No. 337, issued by the national Government on 26 September 2008, guarantees and provides that Ecuadorian and foreign children and adolescents who need priority attention because of their migratory status shall have access to and be allowed to stay in the Ecuadorian educational system.

143. The Public Defender Service has issued a decision providing for assistance to be given to persons in a situation of mobility who need international protection while their application for refugee status is pending and while regularization of their migratory status is being processed.

17. Reply to paragraph 17 of the list of issues

144. In the context of inter-agency coordination led by the Ministry of the Interior to implement the National Plan to combat human trafficking and migrant smuggling, since 2014, the outpatient care team of psychologists and social workers assigned to the Special Protection Service of the Ministry of Economic and Social Inclusion has provided family counselling; raised awareness of the risks of irregular migration; coordinated social services, health care and education, and monitored individual cases for minimum periods of three months. The Special Protection Service offered assistance to 127 children and adolescents in 2014, 74 in 2015 and 63 in 2016.

145. In 2017, by Executive Decree No. 1288 of 3 January 2017, published in *Registro Oficial* No. 941 of 9 February 2017, the Special Protection Service was transferred from the Ministry of Economic and Social Inclusion to the Ministry of Justice, Human Rights and Worship.

146. The Office of the Deputy Minister for Human Mobility is implementing several programmes to support family reunification, including assisted return, household effects, business loans and access to housing. Additional information is provided in the reply to question 9.

147. In the case of children and adolescents in Italy, the main reasons for which the social services separate them from their families are conflicts between the parents, domestic violence, precarious living conditions or voluntary/circumstantial abandonment. The Office

of the Deputy Minister for Human Mobility provides advice, counselling and legal, social and psychological assistance for the families concerned.

18. Reply to paragraph 18 of the list of issues

148. The Organic Act on National Equality Councils of 2014 provided for the creation of the National Council on Gender Equality and the National Council on Equality in Human Mobility. The councils are charged with mainstreaming, formulating, observing, monitoring and evaluating public policies on equality and non-discrimination.

149. The Organic Act on Labour Justice and Recognition of Housework enacted by the National Assembly entered into force on 19 June 2015. The Act provides that women doing housework shall be insured, and it outlines mechanisms for monitoring and regulating wages and salaries.

150. The Ministry of Labour has set up a working group on paid housework, along with the Domestic Workers Association. The working group has developed a roadmap of activities to be included in an information campaign on the duties and rights of domestic workers. The following activities were carried out, among others: setting up a focus group and related systematization, meetings with technical and communications teams to plan the campaign.

151. Informational materials were developed on rights and social security entitlements for female domestic workers. These materials will be used for training in different cities of the country to inform workers and employers about the rights and duties of domestic workers.

152. Specific actions are being coordinated with inspectors who will make home visits to determine compliance with the rights and duties of domestic workers.

153. In 2015, the Ministry of Labour signed an inter-agency cooperation agreement with IOM to provide training on worker migration, advise on proposed regulations and provide support for public-private partnerships to promote protection of migrant workers. The Red Socio Empleo enabled 1,232 migrants to find jobs between 2015 and 2016.

154. Decision No. MRL-2014-0222 of the Ministry of Labour lays down technical standards for selecting personnel in the public sector through competitive examination. The decision also provides for two points to be added, as affirmative action, to the final scores of migrants or former migrants who reside or have resided outside the country for at least one calendar year. In that regard, 132 women benefitted from affirmative action in competitive examinations in 2015, and 158 were beneficiaries in 2016.

155. In 2015 and 2016, 1,232 migrants found jobs through the Red Socio Empleo, including 353 migrant women.

19. Reply to paragraph 19 of the list of issues

156. The Constitution provides that no one may be discriminated on the basis of ethnicity, place of birth, age, sex, gender identity, cultural identity, marital status, language, religion, ideology, political affiliation, police record, socioeconomic situation, migratory status, sexual orientation, health status, HIV carrier, disability, physical difference or any other distinguishing feature, whether personal or collective, temporary or permanent, which might be aimed at or result in the diminishment or annulment of recognition, enjoyment or exercise of rights. All forms of discrimination are punishable by law (art. 11).

157. The Council of the Judiciary has developed policies to combat violence, ill treatment and/or sexual exploitation and to ensure that women victims of violence have access to the courts and to comprehensive protective measures, independently of their migratory status. In coordination with the agencies of the judiciary, measures have been set up to overcome structural barriers of a legal, economic, social, generational, gender-related, cultural, geographic or any other nature that may be discriminatory and hinder equal access and opportunities for defence in court proceedings.

158. The Strategic Plan of the Judiciary for 2013 to 2019 stresses, in objective 2, that it is the duty of the Council of the Judiciary to promote optimum access to justice. Since 2013, funds have been allocated for the work of 30 units specializing in violence against women

and families and 142 units with competence to deal with cases of violence against women or members of their immediate families.

Number of Units in the Judiciary

Number of units in the judiciary	*No.*
Specializing in violence against women and families	30
Competent to consider cases of violence against women and members of their immediate families	142
Total	**172**

159. The Council of the Judiciary includes the Office of the Deputy Director for Gender, which is a specialized unit of the National Directorate for Access to Services of the Judiciary. It is responsible for mainstreaming the gender approach in the justice system and within the administration of the judiciary. The aim is to ensure that all justice officials are committed to the gender approach.

160. The plenary Council of the Judiciary, in the exercise of its powers, adopted a number of decisions to make it possible to provide quality services in cases of violence against women or members of their families, including the following:

- Decision No. 154-2014 of 20 August 2014. The plenary Council of the Judiciary adopted protocols for case management, actions and expert opinions in cases of violence against women or members of their families. The protocols are designed to prevent revictimization by providing for an initial examination by the staff psychologist, who, after providing emotional support, proceeds to evaluate the victim and report the results to the judge.
- Decision No. 172-2014, adopting the Regulations for court action in connection with events and acts of domestic violence and immediate protective measures for victims of violence. The use of more efficient electronic tools for protective measures is recommended.
- Decision No. 227-2015, expanding the competence of judges responsible for dealing with violence at the national level to take cognizance of pretrial procedures, in criminal cases, in connection with physical and/or psychological examinations of alleged victims of violence against women or members of their immediate families.

161. The following steps were taken to ensure access to justice for women:

(1) Follow-up and monitoring of reports received and protective measures granted by courts responsible for combatting violence against women and families and by other departments with competence to consider cases of violence;

(2) Training of first responders who assist victims of gender violence on issues such as (a) victims' rights, (b) rights of the parties in proceedings, and (c) conduct of criminal proceedings;

(3) Implementation of a system for providing translators-interpreters in cases of violence;

(4) Training of judges in the area of criminal justice, gender violence, risks of gender violence and comprehensive reparations for victims.

162. The Council of the Judiciary carried out the following programs on prevention of gender violence:

- Mainstreaming of the gender approach in training materials for the Semilleros de Convivencia (Seedbeds of Harmony) programme, in connection with two specific products: (1) the *Manual para la implementación de la guía de formación de semilleros de convivencia con promotoras y promotores comunitarios de paz* ("Manual for implementation of the guidelines for setting up "seedbeds of harmony" with community promoters of peace", and (2) *Manual para la implementación de la guía de formación de semilleros de convivencia con docentes de educación general*

básica y bachillerato general unificado y personal de los departamentos de consejería estudiantil (DECE) (Manual for implementation of training guidelines for "seedbeds of harmony" with teachers at the elementary and secondary levels and staff of student guidance departments).

163. The gender approach embodied in these products enables promoters of peace, as well as teachers in student guidance departments to provide tools for communities and students, as follows:

- Prevention tool entitled *Recomendaciones básicas para prevenir la violencia sexual dirigida a mujeres, niñas, niños y adolescentes* ("Basic recommendations for preventing sexual violence against women, children and adolescents"), which was developed to warn against and prevent impunity in cases of gender violence in shelters and cities on the coast of Ecuador that were affected by the earthquake of April 2016.

164. This document has four sections:

- Prevention of violence against children and adolescents.
- Officials, doctors, psychologists and brigade staff in charge of providing assistance.
- Personnel who coordinate assistance.
- Reference on unaccompanied children and adolescents, available to the public at: http://www.funcionjudicial.gob.ec/index.php/es/component/content/article/532.html.
- Manual entitled *Una vida libre de violencia, qué hacer y cómo actuar frente a situaciones de violencia de género* (A violence-free life, what to do and how to act in situations of gender violence). The main purpose of the manual is to provide tools for people who are in situations of gender violence or who know of cases of violence. It is available at: http://www.funcionjudicial.gob.ec/pdf/MANUAL%20UNA%20VIDA%20LIBRE%20DE%20VIOLENCIA.pdf.

165. The Committee on Cases was set up by the Working Group on Protection of the Inter-agency Commission for Implementation of the National Plan to combat human trafficking and migrant smuggling. The Committee on Cases serves as a mechanism for analysis and monitoring of cases and guarantees special emergency protection, assistance and restoration of rights for victims of human trafficking and migrant smuggling. The National Unified Protocol for protection and comprehensive assistance to victims of trafficking serves as an operational tool which includes roadmaps and internal tools for referrals. Additional information is provided in the reply to question 31.

166. Efficient and timely models are in place for repatriation of victims of human trafficking and migrant smuggling which have made it possible to shorten the repatriation process from six months to two weeks.

167. Civil servants, police officers and prosecutors have been trained in the area of prevention, public awareness has been raised through informational fairs and social media, and bilateral agreements on prevention and investigation of offences and protection of victims have been signed with Colombia and Peru. Since 2013, the rate of recovery of undocumented girls and women has risen by 40 per cent with respect to previous years, and criminal prosecution of smugglers has been more effective.

168. The Ministry of Economic and Social Inclusion provides shelters, including one solely for adolescent victims of trafficking for purposes of sexual exploitation, and another for victims of sexual violence. The Special Protection Service has set up 55 units to provide the services of psychologists and social workers throughout the life cycle for victims of violence and other rights violations.

20. Reply to paragraph 20 of the list of issues

169. The Organic Act on Human Mobility provides for alternatives to deprivation of liberty, i.e., voluntary departure within 30 days, and precautionary measures such as reporting regularly to the human mobility authorities, posting bond and other measures to guarantee that the person in question will be present at deportation proceedings, as envisaged in articles 142 and 145 of the Act.

170. The Organic Act on Human Mobility prohibits detention for administrative violations of migration law and adds that it is in the higher interests of these age groups and the principle of family unity that the rule against depriving children and adolescents of their liberty should also apply to their parents, without prejudice to any alternative measures that might be ordered by migration authorities (art. 2).

21. Reply to paragraph 21 of the list of issues

171. The Hotel Carrión temporary reception centre for foreign nationals awaiting deportation has been in operation since 14 January 2013. It is a two-storey structure with parking in back; it has 43 rooms, including 36 for men and seven for women. It has all the basic services, including water, lighting, telephone, hot water and Internet. It has capacity for 60 persons, with an average occupancy of 30 per cent, i.e., 20 persons on average. The individual rooms are furnished with bed, desk, closet, bedding, television set and individual bathroom, and the building has a terrace, living room, dining room, kitchen, laundry and library. It is in good condition and is cleaned every day.

172. Health care is provided on Mondays and Fridays in the centre's own medical office. When necessary, residents are taken to a health care centre, depending on the doctor's diagnosis. The transfer is coordinated by the psychologist assigned to Hotel Carrión centre. In addition, there are recreational and cultural activities, group activities, face-painting for children, dances, board games, and a space and teaching materials for painting.

173. Interpretation services are provided by staff of the Ministry of the Interior and the Council of the Judiciary. The lease for the building in which the temporary reception centre operates was renewed on 14 July 2016. The persons who live there receive three meals per day.

174. Foreign nationals awaiting deportation are allowed visitors on Tuesdays, Thursdays and Sundays from 9 to 10 a.m. and from 3 to 4 p.m.

175. There is no restriction on visits by public defenders and private attorneys. When necessary, personnel from embassies and consulates may visit for purposes of providing financial aid and issuing travel documents for foreign nationals awaiting deportation.

22. Reply to paragraph 22 of the list of issues

176. Articles 141 to 147 of the Organic Act on Human Mobility are in line with the provisions of article 22 of the Convention. In addition, Article 2 of the Act is consistent with article 22 (1) of the Convention, which prohibits collective expulsion.

177. Because it provides for alternatives to exceptional detention, Ecuadorian legislation is broader in scope than the right established in article 17 (3) of the Convention.

178. The Organic Act on Human Mobility stipulates that deportation is an administrative decision whereby the migration authorities order a foreign national to depart from Ecuador.

179. Deportation is applied only on the grounds set forth in the Organic Act on Human Mobility and strictly in compliance with the guarantees of due process enshrined in the Constitution. These are as follows:

(1) Entering at an unauthorized location, except in the case of persons under international protection;

(2) Providing, at any time, fraudulent or altered documentation, and showing it to any public authority, without prejudice to the determination of criminal responsibility, in accordance with procedural guarantees;

(3) Failures to begin regularization procedures within the time established by the Organic Act on Human Mobility;

(4) Has repeatedly infringed migration laws;

(5) Has had his or her visa revoked;

(6) Has not complied with notification to depart voluntarily within 30 days;

(7) Has committed offences against the structure of the constitutional State for which the penalty of deprivation of liberty is less than five years under criminal law;

(8) As a temporary visitor, has become involved in the national politics of Ecuador.

180. Expulsion is the administrative act whereby a foreign national who has completed a sentence of more than five years imprisonment is expelled from Ecuadorian territory by a court order. As stipulated in the criminal legislation, the person in question may not return to Ecuador for 10 years.

181. A foreign national cannot be expelled if before committing the infraction, he or she has married or is in a recognized de facto union with an Ecuadorian national or has Ecuadorian children.

23. Reply to paragraph 23 of the list of issues

182. The Organic Act on Human Mobility outlines a procedure for deportation (art. 144) and conditions for expulsion (art. 147). With regard to article 22 of the Convention, due process is a guiding principle of the Act, which guarantees adherence to internationally recommended parameters.

24. Reply to paragraph 24 of the list of issues

183. In June 2016, several Cuban citizens gathered at La Carolina Park in Quito for around four days to make known their concerns. Later, on 28 June 2016, they applied to the municipality of the Metropolitan District of Quito for a permit to use the public area of El Arbolito Park as a meeting place. On 30 June 2016, the zonal administration of Manuela Sáenz Centre issued a permit for the Cuban citizens, authorizing them to organize events and to meet in the park; however, they were not authorized to stay overnight in that public area.

184. On 1 July 2016, the Secretary for Social Inclusion of the Municipality of the Metropolitan District of Quito notified the applicants that the zonal administration had authorized them to use the public area in El Arbolito Park for a period of eight days. At that location, the group of Cubans continued to carry out demonstrations addressing requests to different diplomatic missions to facilitate their travel to the United States.

185. On 6 July 2016, immigration agents of the National Police, acting under the powers granted by the Migration Act, went to El Arbolito Park with the aim of enforcing the immigration regulations. They asked the Cubans who were present to show their identification documents. After verifying immigration records in the comprehensive database of the National Police, they identified the ones who were in an irregular situation and proceeded, in accordance with the applicable legislation, to inform them individually of their constitutional rights.

186. The State respected the human rights of the Cubans at every step. Thus, for example, to protect their physical safety and health, they were transferred to the specialized medical centre of the Ministry of Public Health, which operates in the *Unidad de Flagrancia* (expedited processing unit) in Quito. The medical examinations showed no blows, bruises, confusion, cuts, injuries or similar issues on any of the Cubans examined. The conclusion was that the Cuban nationals had not suffered any type of cruel, degrading or discriminatory treatment, much less torture during any of the immigration procedures. They were subsequently brought to a *juez de contravenciones* (minor offences court), as required by the Migration Act, for a decision on their migratory status.

187. The judge decided that some of the Cuban migrants should be transferred to the Hotel Carrión temporary reception centre. Before and after the hearings, as well as during their stay at the reception centre, the Cuban nationals were in contact with public defenders and private lawyers. At no time were they subjected to criminal proceedings, given that their irregular migratory situation was, by law, a minor offence.

188. Deportation hearings were held between 7 and 13 July 2016. Each case was considered individually by several judges in the Minor Offences Unit for a decision on their migratory status. Pursuant to article 36 of the Vienna Convention on Consular Relations, the Consulate of Cuba in Ecuador was apprised of the procedures followed by the immigration

authorities. Moreover, as required by article 79 of the Constitution, during the deportation hearings, the individual Cubans were represented by defence attorneys, both public and private, who accompanied them in order to guarantee due process.

189. Once the judges had considered the deportation cases, heard the parties and evaluated the arguments and documents submitted, they decided on each case individually, bearing in mind the special circumstances of each person. On 9, 11 and 13 July, a group of 122 Cuban citizens were deported to their country of origin, the authorities having determined that their status was irregular. The 29 Cuban nationals who were able to justify their migratory situation, on grounds that they were part of a nuclear family that included children, or that they had residence, remained in the country. When the Cuban citizens arrived in Havana, they were handed over to the competent authorities, thus completing the deportation process.

190. The Ecuadorian authorities were in contact with the Cuban authorities throughout the three transfers of Cuban nationals to their country of origin. The diplomatic and consular representatives of Ecuador in Cuba were present at the airport all three times that deported Cubans arrived, in order to verify their condition upon arrival, their reception by the Cuban authorities and their subsequent transfer to their homes.

191. Only two of the Cuban deportees submitted a request for international protection as refugees to the authorities of the Ministry of Foreign Affairs and Human Mobility, despite there being legal grounds for deportation. Their request was accepted, in keeping with the humanist principles of Ecuador's foreign policy, even though the deportation process had already begun. Those two Cuban nationals are currently in Ecuador.

192. The Embassy of the Republic of Cuba in Quito issued a press release on 1 July 2016, stating the following.

> The Embassy of Cuba wishes to clarify to the public that a great majority of these citizens left our country legally, and none of them are being persecuted for their political views, as some have claimed. Those who have made such statements are people who, once outside of Cuba and finding themselves in a situation where they are not able to reach the United States, express opposition to the Cuban Revolution and against the country that has given them shelter, in an effort to persuade the United States Government to admit them.
>
> The Embassy of Cuba wishes to confirm that Cuban citizens who have left the country legally and comply with migration legislation in force have the right to return to our country if they so wish. As it has been doing from the beginning, the Embassy will continue to support Cuban citizens who wish to return to their own country.

25. Reply to paragraph 25 of the list of issues

193. In 2016, training was provided on statelessness, constitutional law, administrative law, international protection, determination of the best interests of the child and techniques for interviewing persons in need of international protection.

194. In the context of the cooperation agreement between UNHCR and Ecuador, the Office of the Deputy Minister for Human Mobility has been coordinating efforts to strengthen administrative procedures for determining refugee status.

195. Executive Decree No. 1182 of 31 May 2012 contains the Regulations for the implementation in Ecuador of the right to refugee status established in article 41 of the Constitution and the rules set forth in the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol thereto. Article 55 of the Executive Decree provides that the Commission shall proceed to revoke recognition of the status of an applicant for refugee status or for recognition of refugee status when it is found that the person has been involved in offences or situations that threaten the security of Ecuador in accordance with article 9 (2) of these regulations, or article 33 (2) of the 1951 Geneva Convention Relating to the Status of Refugees, as the case may be. The revocation shall be effective as of the date on which notification is made pursuant to these Regulations.

26. Reply to paragraph 26 of the list of issues

196. Article 23 of the Organic Act on Management of Identity and Vital Statistics provides that diplomatic or consular agents of Ecuador in other countries shall be competent to record and register, by physical or electronic means, births, marriages, de facto unions and deaths, either at the time or at a later date. Article 21 of the same Act, on certification, provides that the Directorate-General for Civil Registry and Identification, as well as diplomatic or consular agents duly accredited in other countries, shall certify, by physical or electronic means, the information contained in their records, either of the registration of facts and acts pertaining to a person's marital status, or to his or her identity, and that [such certified information] shall have the status of public records. On this basis, diplomatic or consular agents who are duly accredited in other countries are authorized to keep records of both timely and late registration of births of Ecuadorian citizens and their descendants (to the third degree of consanguinity), deaths, de facto unions and marriages, without restrictions based on migratory status. Diplomatic or consular agents are also empowered to issue certificates in respect of any event or civil act of a person; accordingly, the Directorate-General for Civil Registry and Identification guarantees and ensures that Ecuadorians have full access to registration of births and issuance of certificates, among other services.

197. The following must be submitted for birth registration:

(1) A document issued by the country of origin attesting to the birth, duly apostilled or authenticated and translated, as the case may be;

(2) Original identity document of one of the parents who is Ecuadorian;

(3) Identification document of the person requesting registration, if he or she is not one of the parents (attaching a special power of attorney).

198. The birth information must be entered in the automated system known as Magna, which is free of charge and guarantees the right to an identity envisaged in the Constitution. This procedure is completed with the physical remittance of a copy of the birth registration to the Directorate-General for Civil Registry and Identification.

199. With regard to training, the Ministry of Foreign Affairs and Human Mobility and the Directorate-General for Civil Registry and Identification have prepared manuals that have been disseminated in timely manner among staff of the consular offices. It has also provided virtual training in the use of the registry system. Inter-agency agreements have made it possible to guarantee that the children of Ecuadorians living abroad, regardless of their migratory status, can have access to birth records and be granted Ecuadorian passports, thus protecting their right to an identity.

200. The Organic Act on Management of Identity and Vital Statistics and, in particular, the Organic Act on Human Mobility further demonstrate the willingness of the State to protect children of Ecuadorian parents in order to enable them to obtain Ecuadorian nationality without restriction.

201. The Office of the Deputy Minister for Human Mobility has no knowledge of any cases of minors being prevented from obtaining birth registration.

4. Part IV of the Convention

27. Reply to paragraph 27 of the list of issues

202. Executive Decree No. 739, of 3 August 2015, provides for and facilitates the granting of legal standing to non-profit social organizations, without distinction as to nationality or migratory status.

203. Legal standing was granted to 36 social organizations in a situation of mobility to encourage them to participate in the development of inclusive public policies at different levels of government. Further information is provided in annex 9, *Cuadro Organizaciones*.

28. Reply to paragraph 28 of the list of issues

204. Under article 9 of the Constitution and the related implementation legislation, foreign nationals in Ecuadorian territory have the same duties and rights as Ecuadorians. Further information is provided in the reply to question 27.

29. Reply to paragraph 29 of the list of issues

205. Articles 9 and 11 of the Constitution stipulate that foreign nationals who are present in Ecuadorian territory shall have the same rights and duties as Ecuadorians.

206. The Social Security Act, published in *Registro Oficial* supplement No. 465 of 30 November 2001, stipulates in article 1, on guiding principles, that the Obligatory General Insurance system is part of the national system of social security, and as such, in terms of its organization and operation, it is solidary, obligatory, equitable, efficient, subsidiary and sufficient.

207. Universality is the guarantee of equal opportunities for the entire insurable population to have access to the benefits of the Obligatory General Insurance, without distinction as to nationality, ethnicity, place of residence, sex, education, occupation or income.

208. Article 93 of the Organic Act on Management of Identity and Vital Statistics establishes the obligation to obtain an identity document. It stipulates that Ecuadorians aged 18 or over and foreigners living in Ecuador are required to obtain an identity document.

209. In the light of the above, and in order to guarantee the same right for nationals and foreigners, the Ecuadorian Social Security Institute generates a temporary code for persons who do not have an Ecuadorian identity document and are employed. With this code, the foreign national may register his notice of entry so as to gain access to social security.

30. Reply to paragraph 30 of the list of issues

210. The Secretariat for Higher Education, Science, Technology and Innovation is a public agency that was created to implement, formulate and coordinate the public policy and actions of the higher education system. Pursuant to the Organic Act on Higher Education, it is responsible for accreditation of degrees obtained abroad by both Ecuadorian citizens and foreign nationals.

211. To ensure that persons holding degrees earned abroad have the same rights as those who have earned similar degrees in Ecuador, the Secretariat for Higher Education, Science and Technology has, from its inception, recognized higher education courses and technical diplomas or academic degrees granted by foreign institutions that are equivalent to one of the levels of training established in the Organic Act on Higher Education. The Secretariat verifies the authenticity of the degree, the type of courses, the quality and excellence of the specialization or other programme and the authorization and/or accreditation of the issuing institution, without regard to the nationality of the holder of the degree. Other certificates of university or continuing education courses are not subjects of legal recognition in Ecuador.

212. In this regard, the Regulations on Academic Diplomas and Degrees obtained in foreign institutions, which was issued by the Council on Higher Education by Decision RPC-SO-06-No. 103-2016, published in the *Gaceta Oficial* of the Council on Higher Education on 1 March 2016, expressly state that recognition of a degree does not imply authorization to practice a profession, except in cases where the only requirement for the practice of a profession is to obtain a degree in Ecuador.

213. In particular, without prejudice to the provisions of Ecuadorian legislation, nationals or foreigners who have obtained degrees in institutions of higher education in Cuba must submit to the procedure for recognition of degrees and the principles established in the Agreement on Cooperation and Mutual Recognition of Professional Degrees and Accreditation of Higher Education Courses between the Republic of Ecuador and the Republic of Cuba which was signed on 13 November 2002. Thus, persons who hold such degrees may request an expedited procedure and are in a better position than those who have obtained degrees in countries with which no such agreement exists.

214. In that regard, pursuant to the Organic Code on the Judiciary, degrees obtained in a foreign country must be accredited and registered before the holder can be authorized to practice a profession.

215. The accreditation process is governed by the Regulations on Academic Diplomas and Degrees obtained in foreign institutions, article 18 of which provides that requests for accreditation shall be considered by Ecuadorian institutions of higher education that are duly accredited by the Council on Evaluation, Accreditation and Quality Assurance of Higher Education and whose curricula include a study programme similar to that of the foreign institution. These institutions shall be responsible for analysing the content of the courses taken by the applicant to obtain the degree in question and comparing it with the academic programme of a national institution in a similar branch of knowledge, in order to determine if at least 80 per cent of the course content is comparable.

216. Citizens who do not qualify for accreditation may request revalidation. This entails receiving approval for part of the study plan followed by the institution of higher education in question, after which a decision is made as to which courses, assignments and other academic activities will be approved and what other requirements must be met in order to qualify for the degree from a qualified Ecuadorian institution.

217. The same procedure applies to persons seeking authorization to practice medicine. The Organic Act on Health, published in *Registro Oficial* No. 423 of 22 December 2006, stipulates that in order to be authorized to practice medicine and be licensed, Ecuadorian and foreign health professionals must complete one year of practice in rural or poor urban parishes. This procedure is not unique to Ecuador; different countries follow specific procedures for recognition or authorization to practice professions that are considered to be in the public interest, which are known as regulated professions. It is not the foreigners who are treated differently, but rather the degrees obtained in foreign institutions, regardless of the nationality of the persons holding those degrees.

218. Of the degrees registered for Cuban citizens, 47 per cent were in the area of health and 2 per cent in law.

219. In 2016 alone, a total of 1,135 degrees at the tertiary and post-graduate level obtained in Cuban institutions of higher education were registered. During the current year, 240 such degrees have been registered.

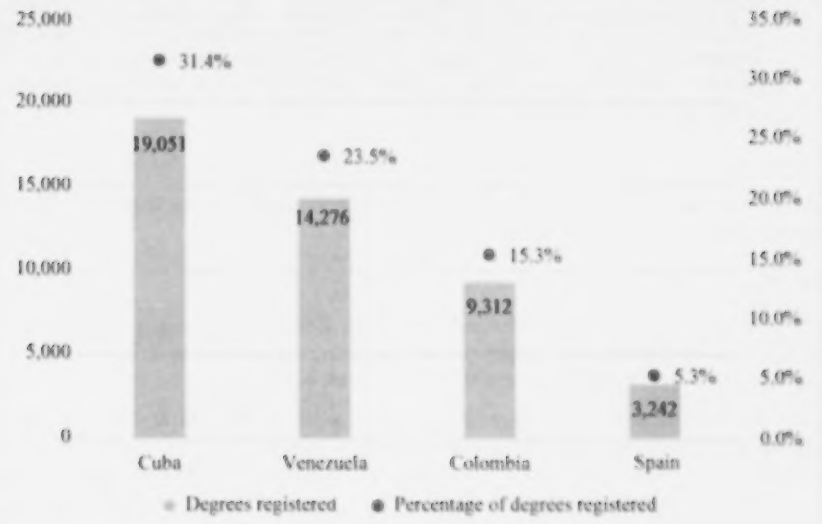
220. It should be noted that in this process, everyone without exception, both Ecuadorian citizens and foreigners, must comply with all the requirements established in the law and the relevant regulations, according to the mechanisms for certification of authenticity and the formal procedures established in the legislation currently in force.

221. Authorization to practice professions in the fields of law and human health do not fall within the competence of the Secretariat for Higher Education, Science, Technology and Innovation. In such cases, applicants must meet the specific requirements established in the Organic Code of the Judiciary and the Organic Act on Health, and they must compete on the same terms as persons who have obtained degrees in foreign universities, including in Cuba.

222. Pursuant to article 11 of the Constitution, Cuban citizens have never been nor are they currently discriminated; on the contrary, under an agreement between the two countries, they have benefitted from expedited procedures for recognition of their degrees. The Secretariat for Higher Education, Science, Technology and Innovation has followed a policy of openness to requests and requirements for recognition of degrees. When issues have arisen, the Secretariat has served as a mediator before the institutions concerned, requesting information on procedures for legalization of documents and authorization to practice a profession.

Degrees registered, by applicants' countries of origin

(4 countries with the highest percentages)



Source: National System of Information on Higher Education, prepared by SEA.

5. Part VI of the Convention

31. Reply to paragraph 31 of the list of issues

(a)

223. Chapter VI of the Organic Act on Human Mobility refers to prevention of and protection against human trafficking and migrant smuggling. These provisions were reviewed by State, civil society and international agencies, so information was obtained from every sector concerned with these issues. Full information on the matter may be found in the reply to question 4 (b)(x).

224. An Inter-agency Commission was set up to draft the National Plan to combat trafficking, sexual exploitation and exploitation of workers and other forms of exploitation, especially of women, children, adolescents and persons with different sexual identities. The Commission is responsible for following up on public policies on human trafficking. It is working on the following lines of action.

Protection and reparations

225. This line of action involves the participation of the Ministry of Economic and Social Inclusion, the Ministry of Foreign Affairs and Human Mobility, the Attorney General's Office, the Ministry of Health, the Ministry of Education, the Ministry of Labour, the Ombudsman's Office and the Council of the Judiciary.

226. The Commission on Follow-up is headed by the Victim and Witness Protection System of the Attorney General's Office. The Council of the Judiciary participates actively in this effort.

227. It carries out the following activities:

- Attends meetings convened by the Ministry of the Interior, in particular, those convened by the Committee on Follow-up. Bottlenecks found different cases are discussed at these meetings. The institutions concerned undertake to carry out specific actions within the sphere of their competence, e.g., training for justice officials and dissemination of the roadmap for services provided by each institution.

- Inter-agency monitoring of court proceedings in cases of human trafficking, in the context of the Inter-Agency Commission and its Committee on Follow-up.
- Active participation in binational video conferences between the Republic of Ecuador and the Republic of Colombia to exchange experiences and good practices developed by agencies in Ecuador and Colombia to provide assistance and protection for non-national victims of human trafficking and to identify bottlenecks that hinder the work of assistance and protection.

Prevention

228. Campaigns on prevention are conducted. Additional information is available in the replies to questions 4 (b)(x) and 5.

Investigation and punishment

229. The Attorney General's Office and the Council of the Judiciary participate in this line of action, in accordance with the powers and competencies assigned to them by law. The different divisions of the judiciary coordinate their work in this area.

230. A reflection period is guaranteed for victims in the Victim and Witness Protection System of the Attorney General's Office and for witnesses testifying for the Attorney General's Office. Since the Comprehensive Criminal Code provides guarantees of protection for victims, the prosecutors ask for advance statements or a video conference (when requested by a victim).

231. Ecuadorian embassies and consulates around the world are responsible for providing food, shelter and airline tickets for Ecuadorian victims of trafficking to return to their country.

(b)

232. In the area of prevention, a strategy was implemented to promote rights and prevent human trafficking and migrant smuggling. The strategy entailed collecting all the materials produced in the country between 2006 and June 2016 and identifying weaknesses and strengths. Awareness-raising activities were carried out among civil servants through the virtual platforms of the institutions concerned. Clear guidelines were established for coordinating dissemination of communications products among all the institutions represented on the Inter-agency Commission.

233. A pilot project was started on implementation of a rights-promotion strategy in Sucumbíos and Esmeraldas, and products explaining the risks and consequences of irregular migration were disseminated so as to prevent human trafficking and migrant smuggling:

- Training on human trafficking and migrant smuggling, carried out on 15 March in Quito (Foreign Ministry), with 15 participants;
- Workshop on human trafficking and migrant smuggling for 15 consuls, held in the city of Azogues, Cañar province, on 17 March;
- Training for 10 labour inspectors on tools for identifying the offence of human trafficking, held in Quito on 8 April 2016;
- Training for police officers in San Miguel de los Bancos, on human trafficking and migrant smuggling, 14 April 2016, attended by 15 participants;
- National course on human trafficking for 40 police officers of the National Directorate of Special Police for Children and Adolescents, held in Quito from 6 to 10 June 2016;
- In the aftermath of the earthquake of 16 April, 100 police officers working in the disaster zone received training on mechanisms for identifying potential cases of human trafficking, in the city of Manta, on 13 May 2016;
- Course on human trafficking for civil servants and personnel of civil society organizations in the city of Riobamba, on 15 and 16 November 2016;
- Three courses on human trafficking for civil servants, held in Quito on 17, 18, 28 and 29 November and 1 December 2016, with 80 in attendance.

234. Additional information is provided in the replies to questions 4 (b)(x) and 5.

235. In addition, the National Police receive ongoing training on this type of offences through the Continuing Comprehensive Training Programme that is offered every year, as well as in staff upgrading courses.

(c)

236. As a signatory to international human rights treaties, Ecuador has established guarantees in its Constitution. To combat these offences, it has set up specialized investigative units in the National Police and the Attorney General's Office and coordination in the prosecution of such cases has been improved. Additional information is provided in the replies to questions 4 (b)(x) and 31.

(d)

237. Ecuador has set up two shelters for the protection of victims of trafficking for sexual exploitation. One of the shelters is fully financed by the State, and the other one is partly funded by a non-governmental organization. Victims of other types of exploitation are placed, based on individual case studies, in different shelters operated by the Ministry of Economic and Social Inclusion.

238. Victims of trafficking are entitled to be protected from harm or threats during court proceedings, to psychological help, health care, education and admittance to shelters. These services are financed and coordinated by the State and by civil society. Psychological and medical assistance are provided individually to all victims.

(e)

239. Several State institutions are responsible for providing protection and assistance to victims of different crimes, for which they have the following budget:

- Protection: US$825,000;
- Prevention: US$500,000;
- Investigation: US$500,000.

240. These items include budgetary allocations for salaries and platforms for dissemination and training in all the institutions represented on the Inter-agency Commission, each within its own sphere of competence.

(f)

241. The information shown was taken from the database of the statistical unit of the National Directorate for Criminal Policy. Not all the records of crime reports include complete information on victims. Some only refer to police reports in which personal information is concealed in order to protect privacy. The available statistics on judgments for the crime of human trafficking show the following.

Sex of victims

242. In 2012, 170 female victims and 43 male victims were identified; in 2013, there were 360 female victims and 49 males. Personal information of victims has been protected since 2014 in most cases. The trend has remained the same: in 2014, crime reports showed 95 female victims and 22 male victims; in 2015, 55 female victims and eight males.

Consolidated information on victims, 2012 to 2016

243. Information on victims protected by the National System for Protection of and Services to Victims and Witnesses, consolidated since 2012.

Number of convictions in trial court 2012 and 2016

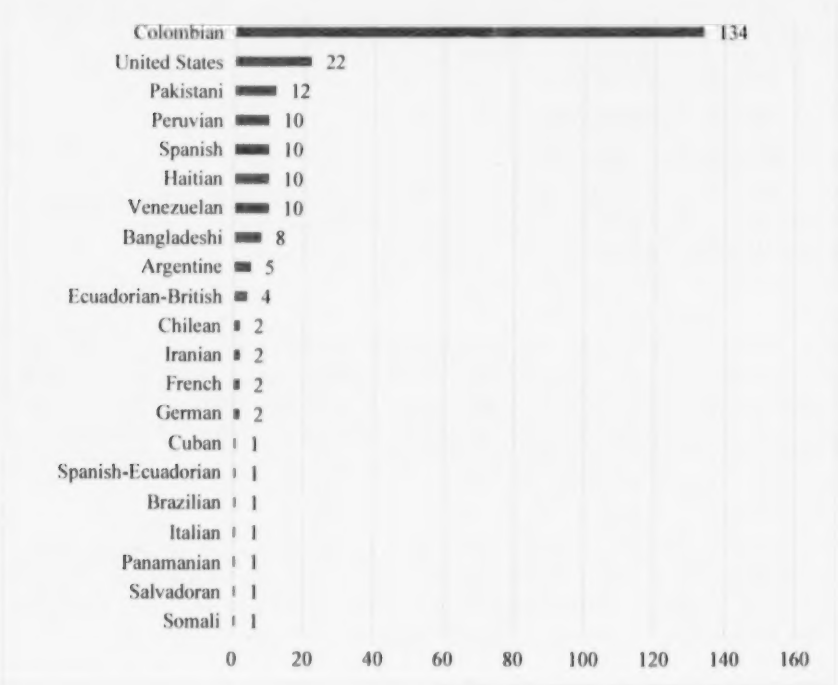
Year	*Number of judgments*	*Number of convictions*	*Acquittals*
2012	5	5	-
2013	8	8	-
2014	12	12	-
2015	32	30	2
2016	32	26	6

Number of crimes reported and total number of victims 2012–2016

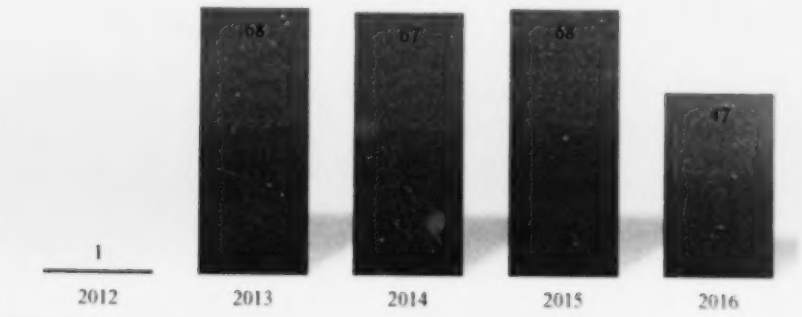
Year	*Number of crimes reported*	*Total number of victims*
2012	177	251
2013	228	373
2014	241	464
2015	217	230
2016	188	198

Prepared by: Attorney General's Office, using the database on crime reports of the Statistical Unit of the National Directorate for Criminal Policy.

Number of persons in the Victim and Witness Protection System who are in situations of mobility, by nationality, as of February 2017

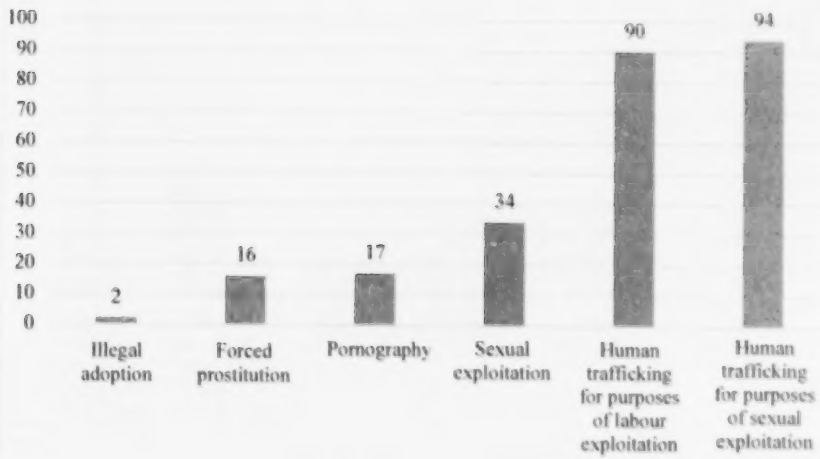


Number of requests from candidates for protection from human trafficking

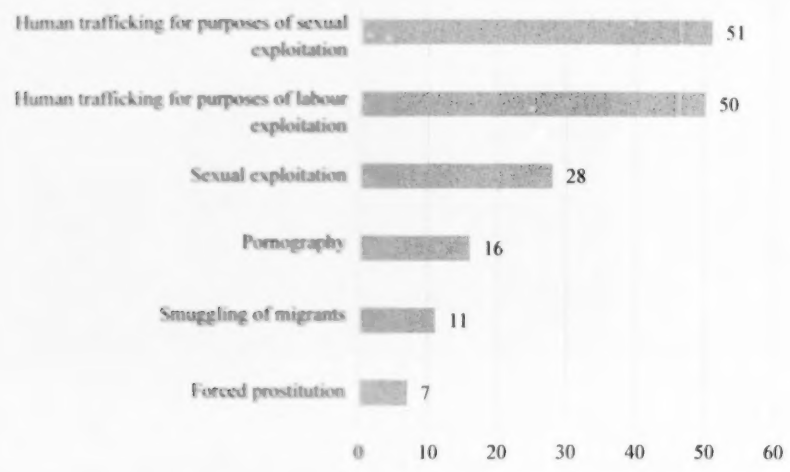


Prepared by Paola Badillo.
Source: Statistical archives of the National Victim and Witness Protection Service.
Date: 27 December 2016.

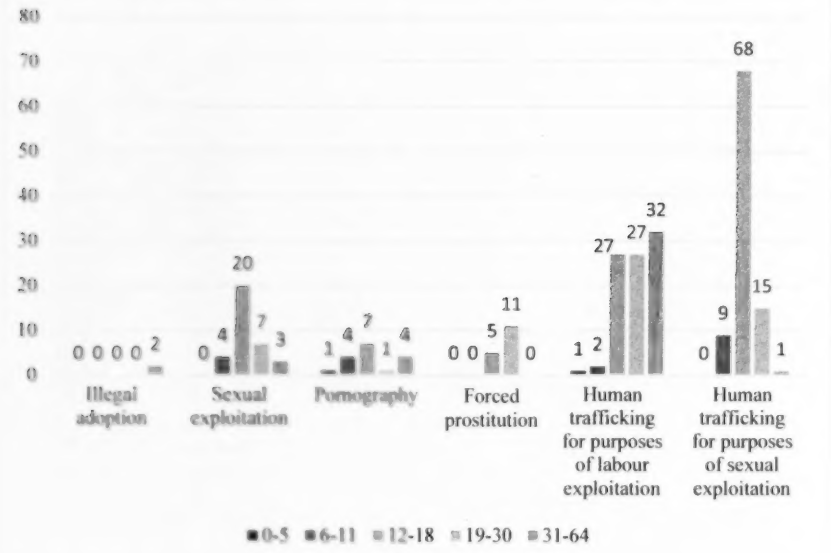
Breakdown by category of offence



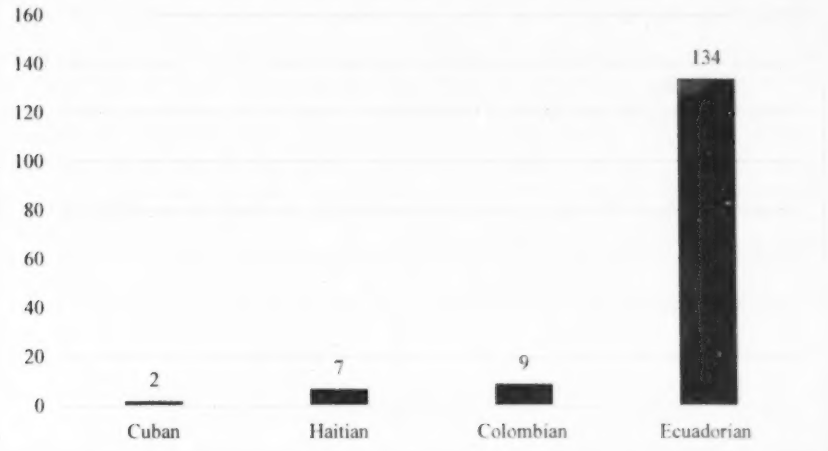
Prepared by Paola Badillo.
Source: Statistical archives of the National System for Protection of and Services to Victims and Witnesses.
Date: 27 December 2016.



Breakdown by age, by offence

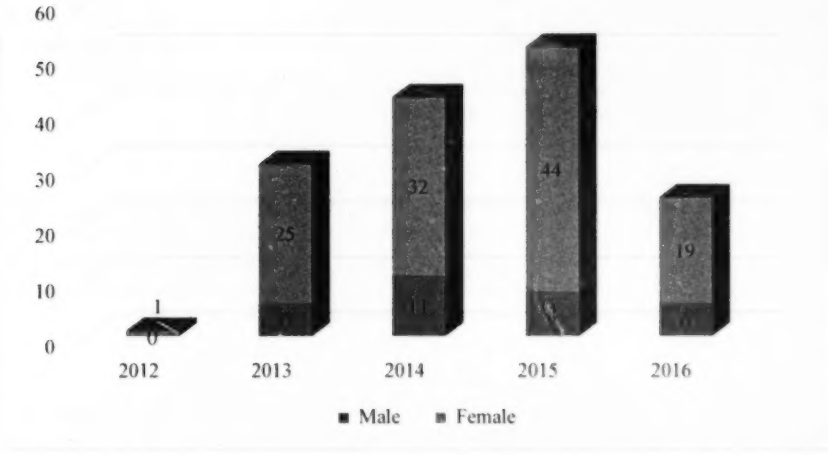


Nationality of protected persons in the Victim and Witness Protection System



Prepared by Paola Badillo.
Source: Statistical archives of the Victim and Witness Protection System.
Date: 27 December 2016.

Breakdown by sex – protected persons victims of human trafficking



Prepared by Paola Badillo.
Source: Statistical archives of the Victim and Witness Protection System.
Date: 27 December 2016.

244. Between 2012 and 2016, 80 per cent of trafficking victims protected by the Victim and Witness Protection System were women (121). In 42.14 per cent of cases, immediate protection was provided, giving effect to the right of victims of trafficking and other forms of exploitation to have a reflection period.

(g)

245. The Attorney General's Office is in charge of official statistics, which are handled by the system known as *Delitoscopio* (Crimescope). Information is collected, systematized and reported, as necessary, through bulletins, presentations or by other means.

246. Foreigners who are victims receive the same benefits as Ecuadorians, although so far there have been no such cases. Should it be necessary, the State would grant temporary or residence visas through the Ministry of Foreign Affairs and Human Mobility.

247. Security, immigration and social services personnel receive training on procedures for identifying potential victims of human trafficking, who receive support through tools such as the *Guía de Actuación Regional para la Detección Temprana de Situaciones de Trata de Personas en Pasos Fronterizos del Mercosur y Estados Asociados* (Guidelines for Regional Action for Early Detection of Human Trafficking Situations at Borders of Mercosur and Associated States) and the *Protocolo Nacional Unificado para la Protección y Asistencia Integral a Personas Víctimas de Trata* (Unified National Protocol for Protection and Comprehensive Assistance to Victims of Trafficking).

32. Reply to paragraph 32 of the list of issues

(a)

248. The Ministry of Labour carries out supervision and monitoring duties in accordance with the legislation currently in force. If cases of human trafficking are detected, the perpetrators are transferred to the competent authority. The Ministry of Labour provides training for the private sector, informing employers of their duties and responsibilities and the penalty for failing to provide insurance and protection for workers. Additional information is provided in the reply to question 12.

(1) The Office of the Deputy Minister for Human Mobility is a member of the Inter-agency Board on Human Trafficking. Additional information is provided in the replies to questions 4 (b)(x) and 31.

(2) In 2016, the zonal coordination offices organized 83 local workshops on combatting risky migration and 88 workshops to provide information on the services offered by the Office of the Deputy Minister for Human Mobility. The workshops targeted civil society, government agencies, non-governmental organizations and civil servants in general.

(3) Binational fairs were organized with Colombia and Peru.

(b)

249. Because Ecuador is a country of origin, transit, destination, return and refuge, it has had to consolidate its legislation on human mobility and strengthen the mechanisms for protecting the rights of Ecuadorians in other countries, as well as those of foreigners in Ecuador. This is done in accordance with the principles of non-discrimination and equality that are embodied in the Organic Act on Human Mobility.

(c)

250. The strategy for promoting rights and preventing human trafficking and smuggling of migrants entails gathering all compiling all materials produced in the country between 2006 and June 2016. It also involves raising awareness of civil servants through the virtual platforms of the different institutions. Guidelines have been drawn up for coordinated dissemination of communications products among all the institutions represented on the Commission.

251. The Office of the Deputy Minister for Human Mobility conducted a campaign to combat risky migration, stressing the need to prevent human trafficking and migrant smuggling and the risks and consequences involved. Additional information is provided in the replies to questions 4 (b)(x) and 5 above.

(d)

252. The Organic Act on Human Mobility stresses the need to help foreign nationals regularize their situation as the main way to protect and guarantee their rights. It reduces the number of migratory categories, prioritizes the principle of family reunification and outlines visa processing procedures based on the principles of equality, celerity, territorial deconcentration, quality and compassionate services and simplification.

253. Additional information is provided in the reply to question 4.

33. Reply to paragraph 33 of the list of issues

254. As regards the content and scope of the binational protocol, the parties agree to accept citizens of third countries who have been deported or expelled, provided they meet the following requirements: (a) the person must show migratory movement in the receiving country within 90 calendar days (from the date of first entry). This period shall be counted from the date of entry into the requested country; (b) have a valid travel or identification document; (c) have an unexpired return ticket to the country of origin.

34. Reply to paragraph 34 of the list of issues

255. Regularization of Haitian citizens: Presidential Decree No. 248 of 9 February 2010 provided for regularization of Haitian citizens in an irregular situation. A total of 392 visas were granted between 9 February 2010 and 30 June 2010.

256. Regularization of Venezuelan citizens under the Agreement between Ecuador and Venezuela: Under article 16 of the Agreement, the process of regularizing Venezuelan citizens began on 9 May 2011 and continued for 180 days, during which time Venezuelans in an irregular situation were granted 9 VII visas, at no cost to them.

257. Regularization of Peruvian citizens pursuant to the Agreement between Ecuador and Peru. Under article 22 of the Agreement, the regularization process began on 15 March 2011 and continued for 180 days. Peruvian citizens in an irregular situation were granted 9 VII immigrant visas, at no cost to them. The process was extended for another 180 days up to 14 April 2012.

258. Regularization of Dominican citizens. On 27 May 2015, as recorded in Minutes No. 008/2015, at a Special Meeting of the Advisory Council on Migration Policy, regularization of Dominican citizens in an irregular situation was approved, enabling them to apply for any type of immigrant or non-immigrant visa. The process was implemented from 1 June to 1 December 2015. Since the Dominican citizens could apply for any category of visa, there are no precise statistics on the process.

259. Regularization of Haitian citizens. On 4 August 2015, as recorded in Minutes No. 012/2015, at a Special Meeting of the Advisory Council on Migration Policy, regularization of Haitian citizens in an irregular situation was approved. The process was implemented between 11 August 2015 and 11 November 2015, during which time a total of 161 12 XI visas were granted.

260. Regularization of citizens in 2016. As recorded in Minutes Nos. 19 of 2015, 004, 006 and 014 of 2016, at special meetings of the Advisory Council on Migration Policy, rules were laid down for regularization of foreign citizens in an irregular situation. The process was implemented between 20 January 2016 and 15 January 2017, during which time foreign citizens were allowed to apply for any category of visa. Approximately 2,485 visas were granted. Additional information is provided in the reply to question 4. Information on visas granted, by gender and age, is shown in annex 3, *Visas*, for the following categories:

- Immigrant visas under the Agreement between Ecuador and Venezuela;
- Immigrant visas under the Agreement between Ecuador and Peru;
- Mercosur;
- Immigrant visas under Mercosur;
- Immigrant visas for work.

Section II

35. Reply to paragraph 35 of the list of issues

(a)

261. Further information is provided in the reply to question 2.

(b)

262. Further information is provided in the reply to question 8.

(c)

263. On 17 July 2015, the Ministry of Labour signed a cooperation agreement with IOM on strengthening of institutions concerned with migration, through the following:

- Training in the public and private sectors on the duties and rights of persons in situations of mobility;
- Development and implementation of services for persons in situations of mobility, through consultancies and compilation of inter-agency information.

264. In addition, the Migrant Workers Unit provides telephone and personal assistance to migrant workers and refers them to other agencies when their rights have been violated. Services are provided to other institutions, both public and private, and cases are followed up.

265. Additional information is provided in the replies to questions 4, 5 and 11.

(d)

266. Ecuador ratified the ILO Migration for Employment Convention (Revised), 1949 (No. 97) in 1978, except for the provisions contained in annexes I, II and III. The supplementary provisions are currently under discussion by the parties concerned.

267. In 2013, Ecuador ratified the ILO Domestic Workers Convention, 2011 (No. 189), which is intended to improve living and working conditions for domestic workers.

(e)

268. In 2015, in cooperation with Comillas University in Madrid, the Basque Observatory of Immigration, a study was conducted, entitled *La población de origen ecuatoriano en España. características, necesidades y expectativas en tiempo de crisis* (The Ecuadorian population in Spain: characteristics, needs and expectations in times of crisis). The study was carried out because of the need to know more about the needs of Ecuadorians living in Spain, considering that since the serious financial crisis of 1998, Spain has become one of the main destinations of Ecuadorian migrants.

269. The Ministry of Labour and IOM signed an inter-agency agreement providing for consultant services on development of a worker risk matrix focusing on human mobility, with a view to identifying violations of the rights of migrants and the main risks they face.

(f)

270. The website of the Ministry of Foreign Affairs and Human Mobility, the Virtual Consulate, the websites of consulates and embassies, social networks of the Ministry of Foreign Affairs and Human Mobility. Additional information is provided in the reply to question 5.

Section III

36. Reply to paragraph 36 of the list of issues

(a)

271. See annex 10, *Privados de libertad*.

(b)

272. The Ecuadorian consulates provided follow-up to 125 persons deprived of their liberty in 2016 and to 112 in 2017. There have been no cases of Ecuadorians detained abroad for migratory issues; however, there are many cases of Ecuadorians deported from the United States. See annex 11, *Deportaciones desde los Estados Unidos*.

(c)

273. Statistics are attached as annex 4, *Deportados*.

(d)

274. Annex 12 includes a statistical table on unaccompanied children and adolescents who have requested refugee status or who are refugees. Annex 3, *Visas*, shows information on children and adolescents who have received visas; however, the detailed breakdowns are in separate files and cannot be tabulated statistically. Annex 13 shows the protocol for assistance to unaccompanied children and adolescents.

(e)

275. Remittances received from migrant workers between 2011 and 2016 came mainly from the United States, Spain and Italy.

276. The flow of family remittances to Ecuador in 2012 totalled US $2,446,400,000; this amount is lower by 8.5 per cent than the amount recorded in 2011 (US$ 2,672,400,000). A comparison of the 2012 figure with that recorded in 2007 (US$ 3,335,400,000) — which is the best year in the statistical series on remittances derived from data compiled by the Central Bank of Ecuador — showed a decrease of 26.7 per cent, which is equivalent to US$ 889 million.

277. Family remittances to Ecuador in 2013 totalled US$ 2,449,500,000, which is 0.7 per cent lower (US$ 2,466,900,000) than the amount recorded in 2012.

278. Family remittances to Ecuador in 2014 totalled US$ 2,461,700,000, an amount slightly higher, by 0.5 per cent, than the amount received in 2013 (US$ 2,449,500,000).

279. In 2015, US$ 2,377,800,000 were received, a figure that is 3.4 per cent lower than the amount for 2014 (US$ 2,461,700,000). The drop in the flow of remittances in 2015 compared to 2014 can be attributed to the economic situation in the main countries of residence of Ecuadorian emigrants, as well as the 19.6-per-cent depreciation of the Euro with respect to the United States dollar during the same period.

280. In 2016, the total amount of remittances received was US$ 2,602,000,000, an amount 9.4 per cent higher than the amount received in 2015 (US$ 2,377,800,000). Likewise, in 2016, Ecuador received a total of 8,842,704 money transfers, representing amount11.7 per cent more than the corresponding figure for 2015 (7,913,529).

281. The increase in the flow of remittances and transfers in 2016 with respect to 2015 may be attributed to the economic situation in the main countries of residence of Ecuadorian emigrants (United States, Spain and Italy, among others), as well as to the solidarity shown by migrants in response to the 2016 earthquake in Manabi province.

Flow of Remittances from Ecuadorian Migrant Workers

(In millions of U.S. dollars – 2011–2016)

Year	*Remittances*	*GDP (b)*	*Ratio (c = a/b)*
2011	2 672.8	79 276.7	3.4%
2012	2 866.9	87 924.5	2.8%
2013	2 449.5	95 129.7	2.6%
2014	2 461.7	102 292.3	2.4%
2015	2 377.8	100 176.8	2.4%
2016	2 602.0	97 802.2	2.7%

Source: Central Bank of Ecuador, 2017 (Money transfer companies and financial institutions).

(f)

282. Between 2012 and 2014, the Unit to Combat Trafficking in Persons and Smuggling of Migrants of the Judicial Police conducted actions a number of international operations with the support of the Central National Office of Interpol. As a result, 282 victims were rescued, and 168 persons were arrested in 2012. During the same year, 119 child victims of trafficking, pornography, sexual exploitation and worker exploitation were rescued by the National Directorate of Special Police for Children and Adolescents and the Unit to Combat Trafficking in Persons and Smuggling of Migrants of the Judicial Police. In 2013, 73 people were rescued, and 70 were rescued in 2014. Also in 2014, the agencies responsible for protection succeeded in obtaining the return to Ecuador of 14 child victims.

283. Additional information is provided in the reply to question 31.

(g)

284. The Public Defender Service has received 155 reports of persons who suffered abuse, including 82 who have already lodged complaints; 42 cases files are ready for complaints to be lodged in the next few weeks; 33 cases are pending because they are incomplete. Information on legal assistance to foreigners is provided in annex 16.

285. Legal assistance to Ecuadorians in other countries was provided in the case of citizens affected by mortgages in Spain. Additional information is provided in annex 14, *Asistencia jurídica en hipotecas y para menores en centros para adopción en Italia*. Additional information is provided in the reply to question 14.

(h)

286. Information is provided in annex 4, *Deportados*.

(i)

287. Additional information is provided in the reply to question 7. Annex 3, *Visas*, shows data on visas granted, by gender and by age.